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THE
CHARTERS
OF THE
Province of PENNSILVANIA
AND
City of PHILADELPHIA.



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THE ROYAL CHARTER

Granted to *WILLIAM PENN*, Esq;
Proprietary and Governor of *Pensilvania*.

CHARLES, by the Grace of GOD, King of *England*, Preamble.
Scotland, France, and Ireland, Defender of the Faith. &c.
To all to whom these Presents shall come, *Greeting*.
WHEREAS Our Trusty and Well-beloved Subject *WILLIAM PENN*, Esq; Son and Heir of Sir *WILLIAM PENN* deceased, (out of a commendable Desire to enlarge our *English* Empire, and promote such useful Commodities as may be of Benefit to us and our Dominions, as also to reduce the savage Natives by gentle and just Manners to the Love of Civil Society and Christian Religion) hath humbly besought Leave of Us to transport an ample Colony unto a certain Country herein after described, in the Parts of *America* not yet cultivated and planted; and hath likewise so humbly besought Our Royal Majesty to Give, Grant, and Confirm all the said Country, with certain Privileges and Jurisdictions, requisite for the good Government and Safety of the said Country and Colony, to him and his Heirs for ever:

S E C T. I.

KNOW YE THEREFORE, That We (favouring the Consideration
Petition and good Purpose of the said *William Penn*, and having of the Grant.
Regard to the Memory and Merits of his late Father in divers Services, and particularly to his Conduct, Courage, and Discretion under our Dearest Brother *JAMES* Duke of *York*, in that signal Battle and Victory fought and obtained against the *Dutch* Fleet, commanded by the Heer *Van Opdam*, in the Year 1665: In Consideration thereof, of Our special Grace, certain Knowledge, and meer Motion) have Given and Granted, and by this Our present Charter, for Us, Our Heirs and Successors, do Give and Grant unto the said *William Penn*, his Heirs and Assigns, all that Tract or Part of Land in *America*, with the Islands therein contained, as the same is bounded on the East by *Delawar* River, Bounds of the
from Twelve Miles Distance Northwards of *Newcastle* Town unto the Three and Fortieth Degree of Northern Latitude, if the said River doth extend so far Northward; but if the said River shall not

not extend so far Northward, then by the said River so far as it doth extend; and from the Head of the said River, the Eastern Bounds are to be determined by a Meridian Line, to be drawn from the Head of the said River, unto the said Forty-third Degree. The said Land to extend Westward Five Degrees in Longitude, to be computed from the said Eastern Bounds; and the said Lands to be bounded on the North by the Beginning of the Three and Fortieth Degree of Northern Latitude, and on the South by a Circle drawn at Twelve Miles Distance from *Newcastle* Northward, and Westward unto the Beginning of the Fortieth Degree of Northern Latitude, and then by a straight Line Westward to the Limits of Longitude above-mentioned.

S E C T. II.

Free Passage
&c. granted.

Soils, Isles,
Bays, &c.

Fisheries.

Mines, Gems,
&c.

WE do also Give and Grant unto the said *William Penn*, his Heirs and Assigns, the free and undisturbed Use and Continuance in, and Passage unto, and out of all and singular Ports, Harbours, Bays, Waters, Rivers, Isles, and Inlets, belonging unto, or leading to and from the Country or Islands aforesaid, and all the Soils, Lands, Fields, Woods, Underwoods, Mountains, Hills, Fenns, Isles, Lakes, Rivers, Waters, Rivulets, Bays, and Inlets, situated or being within, or belonging to the Limits or Bounds aforesaid, together with the Fishing of all Sorts of Fish, Whales, Sturgeon, and all Royal and other Fishes, in the Seas, Bays, Inlets, Waters, or Rivers within the Premises, and all the Fish therein taken; and also all Veins, Mines, Minerals, and Quarries, as well discovered as not discovered, of Gold, Silver, Gemmes, and precious Stones, and all other whatsoever, be it Stones, Metals, or of any other Thing or Matter whatsoever, found or to be found within the Country, Isles, or Limits aforesaid.

S E C T. III.

William Penn,
&c. made absolute Proprietary; saving the Faith and Allegiance of Proprietary and Inhabitants, and the Sovereignty.

To be holden
in common
Socage, &c.

AND him, the said *William Penn*, his Heirs and Assigns, We do by this Our Royal Charter, for Us, Our Heirs and Successors, Make, Create, and Constitute the True and Absolute Proprietary of the Country aforesaid, and of all other the Premises; Saving always to Us, Our Heirs and Successors, the Faith and Allegiance of the said *William Penn*, his Heirs and Assigns, and of all other Proprietaries, Tenants, and Inhabitants, that are or shall be within the Territories and Precincts aforesaid; and saving also, unto Us, Our Heirs and Successors, the Sovereignty of the aforesaid Country; TO HAVE, hold, possess, and enjoy the said Tract of Land, Country, Isles, Inlets, and other the Premises, unto the said *William Penn*, his Heirs and Assigns, to the only proper Use and Behoof of the said *William Penn*, his Heirs and Assigns, for ever, to be holden of Us, Our Heirs and Successors, Kings of *England*, as of Our Castle of *Windfor* in Our County of *Berks*, in free and common Socage, by Fealty only for all Services, and not in *Capite* or by Knights Service: Yielding and paying therefore to Us, Our Heir and Successors, Two Beaver Skins, to be delivered at Our Castle of *Windfor* on the First Day of *January* in

in every Year; and also the Fifth Part of all Gold and Silver One Fifth of
 Oar, which shall from Time to Time happen to be found within all Gold and
 the Limits aforesaid, clear of all Charges. And of Our further Silver Ore re-
 Grace, certain Knowledge, and meer Motion, We have thought serv'd.
 fit to erect, and We do hereby erect the aforesaid Country and
 Islands into a Province and Seigniory, and do call it PEN- Name,
 SILVANIA, and so from henceforth will have it called.

S E C T. IV.

AND forasmuch as We have hereby made and ordained the
 aforesaid *William Penn*, his Heirs and Assigns, the true and ab-
 solute Proprietaries of all the Lands and Dominions aforesaid,
 KNOW YE THEREFORE, That We (reposing special
 Trust and Confidence in the Fidelity, Wisdom, Justice, and
 provident Circumspection of the said *William Penn*) for Us, Our
 Heirs and Successors, do grant free, full, and absolute Power Power to make
 (by Virtue of these Presents) to him and his Heirs, to his and Laws, &c.
 their Deputies, and Lieutenants, for the good and happy Go- with the Con-
 vernment of the said Country, to ordain, make, and enact, and sent of the
 under his and their Seals to publish any Laws whatsoever, for the Freemen.
 raising of Money for publick Uses of the said Province, or for
 any other End, appertaining either unto the publick State, Peace,
 or Safety of the said Country, or unto the private Utility of par-
 ticular Persons, according unto their best Discretion, by and
 with the Advice, Assent, and Approbation of the Freemen of
 the said Country, or the greater Part of them, or of their De-
 legates or Deputies, whom for the Enacting of the said Laws,
 when, and as often as Need shall require, We will that the said
William Penn and his Heirs, shall assemble in such Sort and Form, Assembly.
 as to him and them shall seem best, and the same Laws duly
 to execute, unto and upon all People within the said Country
 and Limits thereof.

S E C T. V.

AND We do likewise Give and Grant unto the said *William Penn*, and to his Heirs, and their Deputies and Lieutenants, full Power to make
 Power and Authority, to appoint and establish any Judges and Judges and
 Justices, Magistrates and other Officers whatsoever, for what other Officers
 Causes soever, (for the Probates of Wills, and for the Granting for Probate of
 of Administrations within the Precincts aforesaid) and with what Wills, &c.
 Power soever, and in such Form as to the said *William Penn* or
 his Heirs shall seem most convenient: Also to remit, release, pardon, and abolish (whether before Judgment or after) all Crimes Power of Par-
 and Offences whatsoever committed within the said Country doring or Re-
 against the said Laws, (Treason and wilful and malicious Murder prieving.
 only excepted, and in those Cases to grant Reprieves, until Our
 Pleasure may be known therein) and to do all and every other Thing
 and Things, which unto the compleat Establishment of Justice,
 unto Courts and Tribunals, Forms of Judicature, and Manner of
 Proceedings do belong, although in these Presents express Men-
 tion be not made thereof; and by Judges by them delegated, to
 award Process, hold Pleas, and determine in all the said Courts
 b and

What may be done by the Judges. and Tribunals all Actions, Suits, and Causes whatsoever, as well Criminal as Civil, Personal, Real and Mixt; which Laws, so as aforesaid to be published, Our Pleasure is, and so We enjoyn, require, and command, shall be most absolute and available in

Obedience to the Laws enjoined. Law; and that all the Lige People and Subjects of Us, Our Heirs and Successors, do observe and keep the same inviolably in those Parts, so far as they concern them, under the Pain there-

Proviso, that the Laws be not repugnant to the Laws of England. in expressed, or to be expressed. PROVIDED nevertheless, That the same Laws be consonant to Reason, and not repugnant or contrary, but (as near as conveniently may be) agreeable to the Laws and Statutes, and Rights of this Our Kingdom of Eng-

The Hearing of Appeals reserved. land; and saving and reserving to Us, Our Heirs and Successors, the Receiving, Hearing, and Determining of the Appeal and Appeals of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgment to be there made or given.

S E C T. VI.

Power to make Ordinances, on emergent Occasions. AND forasmuch as in the Government of so great a Country, sudden Accidents do often happen, whereunto it will be necessary to apply Remedy before the Freeholders of the said Province, or their Delegates or Deputies, can be assembled to the making of Laws; neither will it be convenient that instantly upon every such emergent Occasion, so great a Multitude should be called together: Therefore (for the better Government of the said Country) We will, and ordain, and by these Presents, for Us, Our Heirs and Successors, do Grant unto the said *William Penn* and his Heirs, by themselves or by their Magistrates and Officers, in that Behalf duly to be ordained as aforesaid, to make and constitute fit and wholesome Ordinances, from Time to Time, within the said Country to be kept and observed, as well for the Preservation of the Peace, as for the better Government of the People there inhabiting; and publickly to notify the same to all Persons, whom the same doth or may anyways concern. Which Ordinances, Our Will and Pleasure is, shall be

Which shall be binding, except in Cases of Liberty and Property. observed inviolably within the said Province, under the Pains therein to be expressed, so as the said Ordinances be consonant to Reason, and be not repugnant nor contrary, but (so far as conveniently may be) agreeable with the Laws of Our Kingdom of England, and so as the said Ordinances be not extended in any Sort to bind, change, or take away the Right or Interest of any Person or Persons, for or in their Life, Members, Freehold,

Property, &c. regulated by the Laws of England, till altered, &c. Goods, or Chattels. And Our farther Will and Pleasure is, That the Laws for Regulating and Governing of Property within the said Province, as well for the Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattels, and likewise as to Felonies, shall be and continue the same, as they shall be for the Time being by the General Course of the Law in Our Kingdom of England, until the said Laws shall be altered by the said *William Penn*, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

S E C T. VII.

AND to the End that the said *William Penn*, or his Heirs, or other the Planters, Owners, or Inhabitants of the said Province, may not at any Time hereafter (by Misconstruction of the Power aforesaid) through Inadvertency or Design depart from that Faith and due Allegiance, which by the Laws of this Our Realm of *England*, they and all Our Subjects, in Our Dominions and Territories, always owe to Us, Our Heirs and Successors, by Colour of any Extent or Largeness of Powers hereby given, or pretended to be given, or by Force or Colour of any Laws hereafter to be made in the said Province, by Virtue of any such Powers; OUR farther Will and Pleasure is, That a Transcript or Duplicate of all Laws, which shall be so as aforesaid made and published within the said Province, shall within Five Years after the making thereof, be transmitted and delivered to the Privy Council, for the Time being, of Us, Our Heirs and Successors: And if any of the said Laws, within the Space of Six Months after that they shall be so transmitted and delivered, be declared by Us, Our Heirs and Successors, in Our or Their Privy Council, inconsistent with the Sovereignty or lawful Prerogative of Us, Our Heirs or Successors, or contrary to the Faith and Allegiance due to the Legal Government of this Realm, from the said *William Penn*, or his Heirs, or of the Planters and Inhabitants of the said Province, and that thereupon any of the said Laws shall be adjudged and declared to be void by Us, Our Heirs and Successors, under Our or Their Privy Seal, that then and from thenceforth, such Laws, concerning which such Judgment and Declaration shall be made, shall become void: Otherwise the said Laws so transmitted, shall remain, and stand in full Force, according to the true Intent and Meaning thereof.

Duplicate of all Laws to be transmitted to the Privy-Council, within four Years;

If repealed within six Months, to be void; otherwise in Force.

S E C T. VIII.

FURTHERMORE, that this New Colony may the more happily increase, by the Multitude of People resorting thither; Therefore We, for Us, Our Heirs and Successors, do Give and Grant by these Presents, Power, Licence, and Liberty unto all the Liege People and Subjects, both present and future, of Us, Our Heirs and Successors, (excepting those who shall be especially forbidden) to transport themselves and Families unto the said Country, with such convenient Shipping as by the Laws of this Our Kingdom of *England* they ought to use, and with fitting Provision, paying only the Customs therefore due, and there to settle themselves, dwell and inhabit, and plant, for the publick and their own private Advantage.

Grant of Liberty to the King's Subjects, to transport themselves, &c.

S E C T. IX.

AND FURTHERMORE, that Our Subjects may be the rather encouraged to undertake this Expedition with ready and chearful Minds, KNOW YE, That We, of Our special Grace, certain Knowledge, and meer Motion, do give and grant by Virtue of these Presents, as well unto the said *William Penn*, and

And their
Goods, Mer-
chandizes, &c.

Paying the
Customs.

and his Heirs, as to all others, who shall from time to time repair unto the said Country, with a Purpose to inhabit, or trade with the Natives of the said Country, full Licence to lade and freight in any Ports whatsoever, of Us, Our Heirs and Successors, according to the Laws made or to be made within Our Kingdom of *England*, and unto the said Country, by them, their Servants or Assigns, to transport all and singular their Goods, Wares and Merchandizes, as likewise all Sorts of Grain whatsoever, and all other Things whatsoever, necessary for Food or Clothing, not prohibited by the Laws and Statutes of Our Kingdom and Dominions to be carried out of the said Kingdom, without any Let or Molestation of Us, Our Heirs or Successors, or of any of the Officers of Us, Our Heirs or Successors; saving always to Us, Our Heirs and Successors, the Legal Impositions, Customs, or other Duties and Payments, for the said Wares and Merchandizes, by any Law or Statute due or to be due to Us, Ours Heirs and Successors.

S E C T. X.

The Proprie-
tor may divide
the Country
into Towns,
Hundreds, and
Counties, in-
corporate
Towns, con-
stitute Fairs,
grant Privi-
leges, &c.

AND We do further, for Us, Our Heirs and Successors, Give and Grant unto the said *William Penn*, his Heirs and Assigns, free and absolute Power, to divide the said Country and Islands into Towns, Hundreds and Counties, and to erect and incorporate Towns into Burroughs, and Burroughs into Cities, and to make and constitute Fairs and Markets therein, with all other convenient Privileges and Immunities, according to the Merits of the Inhabitants, and the Fitness of the Places, and to do all and every other Thing and Things touching the Premises, which to him or them shall seem meet and requisite; albeit they be such as of their own Nature might otherwise require a more special Commandment and Warrant than in these Presents is expressed.

S E C T. XI.

Licence grant-
ed to import
the Produce of
the Country
into *England*;

And to export
them from
thence within
one Year;

Paying Cu-
stoms, and ob-
serving the
Acts of Navi-
gation.

WE Will also, and by these Presents, for Us, Our Heirs and Successors, We do give and grant Licence by this Our Charter, unto the said *William Penn*, his Heirs and Assigns, and to all the Inhabitants and Dwellers in the Province aforesaid, both present and to come, to import or unlade, by themselves or their Servants, Factors or Assigns, all Merchandizes and Goods whatsoever, that shall arise of the Fruits and Commodities of the said Province, either by Land or Sea, into any of the Ports of Us, Our Heirs or Successors, in Our Kingdom of *England*, and not into any other Country whatsoever: And We give him full Power to dispose of the said Goods in the said Ports; and if need be, within One Year next after the Unlading of the same, to lade the said Merchandize and Goods again into the same or other Ships, and to transport the same into any other Countries, either of Our Dominions or Foreign, according to Law; provided always, that they pay such Customs and Impositions, Subsidies and Duties for the same, to Us, Our Heirs and Successors, as the rest of Our Subjects of Our Kingdom of *England*, for the Time being, shall be bound to pay, and

and do observe the Acts of Navigation, and other Laws in that Behalf made.

S E C T. XII.

AND FURTHERMORE, of Our ample and special Grace, certain Knowledge, and meer Motion, We do, for Us, Our Heirs and Successors, grant unto the said *William Penn*, his Heirs and Assigns, full and absolute Power and Authority, to make, erect, and constitute, within the said Province and the Isles and Inlets aforesaid, such and so many Sea-ports, Harbours, Creeks, Havens, Keys, and other Places, for Discharging and Unlading of Goods and Merchandizes out of the Ships, Boats, and other Vessels, and Landing them unto such and so many Places, and with such Rights, Jurisdictions, Liberties and Privileges unto the said Ports belonging, as to him and them shall seem most expedient; and that all and singular the Ships, Boats, and other Vessels, which shall come for Merchandize and Trade into the said Province, or out of the same, shall be laden or unladen only at such Ports as shall be created and constituted by the said *William Penn*, his Heirs or Assigns, (any Use, Custom, or Thing to the contrary notwithstanding.) Provided, that the said *William Penn* and his Heirs, and the Lieutenants and Governors for the Time being, shall admit and receive in and about all such Havens, Ports, Creeks and Keys, all Officers and their Deputies, who shall from time to time be appointed for that Purpose by the Farmers or Commissioners of Our Customs for the Time being.

The Proprietary empowered to constitute Ports;

Where all Vessels must lade and unlade.

Provido, that the Officers of the King's Customs be admitted.

S E C T. XIII.

AND We do further appoint and ordain, and by these Presents, for Us, Our Heirs and Successors, We do grant unto the said *William Penn*, his Heirs and Assigns, That he, the said *William Penn*, his Heirs and Assigns, may from time to time for ever, have and enjoy the Customs and Subsidies, in the Ports, Harbours, and other Creeks and Places aforesaid, within the Province aforesaid, payable or due for Merchandize and Wares there to be laded and unladed, the said Customs and Subsidies to be reasonably assessed upon any Occasion, by themselves and the People there as aforesaid to be assembled, to whom We give Power by these Presents, for Us, Our Heirs and Successors, upon just Cause and due Proportion, to assess and impose the same; saving unto Us, Our Heirs and Successors, such Impositions and Customs, as by Act of Parliament are and shall be appointed.

Power to the Proprietary and People to assess Customs on Goods, &c.

Saving to the Crown such Customs as are appointed by Act of Parliament.

S E C T. XIV.

AND it is Our farther Will and Pleasure, That the said *William Penn*, his Heirs and Assigns, shall from time to time constitute and appoint an Attorney or Agent, to reside in or near Our City of *London*, who shall make known the Place where he shall dwell or may be found, unto the Clerks of Our Privy-Council for the Time being, or one of them, and shall be ready to appear in any of Our Courts at *Westminster*, to answer for any

The Proprietary shall appoint an Attorney, to reside in *London*.

To answer for any Misdemeanor, Default, &c.

Misdemeanor that shall be committed, or by any wilful Default or Neglect permitted by the said *William Penn*, his Heirs or Assigns, against the Laws of Trade and Navigation ; and after it shall be ascertained in any of Our said Courts, what Damages We or Our Heirs or Successors shall have sustained by such Default or Neglect, the said *William Penn*, his Heirs or Assigns shall pay the same within One Year after such Taxation, and Demand thereof from such Attorney : Or in case there shall be no such Attorney by the Space of One Year, or such Attorney shall not make Payment of such Damages within the Space of a Year, and answer such other Forfeitures and Penalties within the said Time, as by Acts of Parliament in *England* are and shall be provided, according to the true Intent and Meaning of these Presents ; then it shall be lawful for Us, Our Heirs and Successors, to seize and resume the Government of the said Province or Country, and the same to retain until Payment shall be made thereof : But notwithstanding any such Seizure or Resumption of the Government, nothing concerning the Propriety or Ownership of any Lands, Tenements, or other Hereditaments, or Goods or Chattels of any of the Adventurers, Planters, or Owners, other than the respective Offenders there, shall any ways be affected or molested thereby.

In Case of Failure, the Crown may resume the Government ;

But the Property of the People shall not be affected by such Resumption.

S E C T. XV.

No Correspondence shall be maintain'd with the Enemies of the Crown ; nor shall War be made on any State in Amity.

PROVIDED always, and Our Will and Pleasure is, That neither the said *William Penn*, nor his Heirs, or any other the Inhabitants of the said Province, shall at any Time hereafter have or maintain any Correspondence with any other King, Prince, or State, or with any of their Subjects, who shall then be in War against Us, Our Heirs and Successors ; nor shall the said *William Penn*, or his Heirs, or any other Inhabitants of the said Province, make War or do any Act of Hostility against any other King, Prince, or State, or any of their Subjects, who shall then be in League or Amity with Us, Our Heirs and Successors.

S E C T. XVI.

Power of a Captain-General granted.

AND, because in so remote a Country, and situate near many barbarous Nations, the IncurSIONS as well of the Savages themselves, as of other Enemies, Pirates and Robbers, may probably be feared ; Therefore We have given, and for Us, Our Heirs and Successors, do give Power by these Presents to the said *William Penn*, his Heirs and Assigns, by themselves or their Captains or other their Officers, to levy, muster and train all Sorts of Men, of what Condition soever, or wheresoever born, in the said Province of *Pennsylvania*, for the Time being, and to make War, and to pursue the Enemies and Robbers aforesaid, as well by Sea as by Land, even without the Limits of the said Province, and by God's Assistance to vanquish and take them, and being taken to put them to Death by the Law of War, or to save them, at their Pleasure, and to do all and every other Thing which unto the Charge and Office of a Captain-General of an Army belongeth

(II)

belongeth or hath accustomed to belong, as fully and freely as any Captain-General of an Army hath ever had the same.

S E C T. XVII.

AND FURTHERMORE, of Our special Grace and of Our certain Knowledge and meer Motion, We have given and granted, and by these Presents, for Us, Our Heirs and Successors, do give and grant unto the said *William Penn*, his Heirs and Assigns, full and absolute Power, Licence and Authority, that he, the said *William Penn*, his Heirs and Assigns, from time to time hereafter for ever, at his or their own Will and Pleasure may assign, alien, grant, demise, or enfeoff of the Premises so many and such Parts and Parcels to him or them that shall be willing to purchase the same, as they shall think fit, to have and to hold to them the said Person and Persons willing to take and purchase, their Heirs and Assigns, in Fee-simple or Fee-tail, or for the Term of Life, Lives or Years, to be held of the said *William Penn*, his Heirs or Assigns, as of the said Seignior of *Wind-
sor*, by such Services, Customs or Rents, as shall seem meet to the said *William Penn*, his Heirs or Assigns, and not immediately of Us, Our Heirs or Successors.

Power to the Proprietary to alien the Premises.

S E C T. XVIII.

AND to the same Person or Persons, and to all and every of them, We do give and grant by these Presents, for Us, Our Heirs and Successors, Licence, Authority and Power, that such Person or Persons may take the Premises, or any Parcel thereof, of the aforesaid *William Penn*, his Heirs or Assigns, and the same hold to themselves, their Heirs and Assigns, in what Estate of Inheritance soever, in Fee-simple or in Fee-tail, or otherwise, as to him, the said *William Penn*, his Heirs or Assigns, shall seem expedient: The Statute made in the Parliament of *EDWARD*, Son of King *HENRY*, late King of *England*, Our Predecessor, (commonly called *The Statute QUIA EMPTORES TERRARUM*, lately published in Our Kingdom of *England*) in any wise notwithstanding.

Power to the Purchasers to hold by the Proprietary's Grants.

S E C T. XIX.

AND by these Presents We give and grant Licence unto the said *William Penn*, and his Heirs, and likewise to all and every such Person or Persons to whom the said *William Penn* or his Heirs shall at any Time hereafter grant any Estate or Inheritance as aforesaid, to erect any Parcels of Land within the Province aforesaid into Manors, by and with the Licence to be first had and obtained for that Purpose, under the Hand and Seal of the said *William Penn* or his Heirs; and in every of the said Manors to have and to hold a Court-Baron, with all Things whatsoever which to a Court-Baron do belong, and to have and to hold View of Frank-Pledge for the Conservation of the Peace and the better Government of those Parts, by themselves or their Stewards, or by the Lords for the Time being of the Manors to be deputed when they shall be erected, and in the same to use all Things belong-

Leave to erect Manors;

And to hold Courts therein; &c.

The Person erecting a Manor may grant his Land to others, in any Estate, so as no farther Tenure be created, &c.

belonging to the View of Frank-Pledge. AND We do further grant Licence and Authority, That every such Person or Persons who shall erect any such Manor or Manors, as aforesaid, shall or may grant all or any Part of his said Land to any Person or Persons, in Fee-simple, or any other Estate of Inheritance to be held of the said Manors respectively, so as no farther Tenure shall be created, but that upon all further or other Alienations thereafter to be made, the said Lands so aliened shall be held of the same Lord and his Heirs, of whom the Aliener did then before hold, and by the like Rents and Services which were before due and accustomed.

S E C T. XX.

No Taxes &c. to be impos'd on the People, without their Consent, or Act of Parliament.

AND FURTHERMORE Our Pleasure is, and by these Presents, for Us, Our Heirs and Successors, We do covenant and grant to and with the said *William Penn*, his Heirs and Assigns, That We, Our Heirs and Successors, shall at no Time hereafter set or make, or cause to be set or made, any Imposition, Custom or other Taxation, Rate or Contribution whatsoever, in and upon the Dwellers and Inhabitants of the aforesaid Province, for their Lands, Tenements, Goods or Chattels within the said Province, or in and upon any Goods and Merchandizes within the Province, or to be laden or unladen within the Ports or Harbours of the said Province, unless the same be with the Consent of the Proprietary, or chief Governor, or Assembly, or by Act of Parliament in *England*.

S E C T. XXI.

This Declaration shall be deemed an Acquittance ;

And all Officers &c. are enjoined not to withstand the Premises, but to aid the Proprietary and People, &c. in the full Enjoyment of this Charter.

AND Our Pleasure is, and for Us, Our Heirs and Successors, We charge and command, That this Our Declaration shall from henceforth from time to time be received and allowed in all Our Courts, and before all the Judges of Us, Our Heirs and Successors, for a sufficient lawful Discharge, Payment and Acquittance ; commanding all the Officers and Ministers of Us, Our Heirs and Successors, and enjoining them upon Pain of Our highest Displeasure, that they do not presume at any Time to attempt any thing to the contrary of the Premises, or that do in any sort withstand the same, but that they be at all Times aiding and assisting, as is fitting, to the said *William Penn*, and his Heirs, and unto the Inhabitants and Merchants of the Province aforesaid, their Servants, Ministers, Factors and Assigns, in the full Use and Fruition of the Benefit of this Our Charter.

S E C T. XXII.

Twenty of the Inhabitants petitioning the Bishop of *London*, may have a Preacher, who shall reside in the Province unmo-
lest.

AND Our farther Pleasure is, and We do hereby, for Us, Our Heirs and Successors, charge and require, That if any of the Inhabitants of the said Province, to the Number of Twenty, shall at any Time hereafter be desirous, and shall by any Writing, or by any Person deputed by them, signify such their Desire to the Bishop of *London* for the Time being, That any Preacher or Preachers, to be approved of by the said Bishop, may be sent unto them for their Instruction ; that then such Preacher or
Preachers

Preachers shall and may reside within the said Province, without any Denial or Molestation whatsoever.

§ E C T. XXIII.

AND if perchance hereafter any Doubt or Question should arise, concerning the true Sense and Meaning of any Word, Clause, or Sentence contained in this Our present Charter, We will, ordain, and command, That at all Times and in all Things, such Interpretation be made thereof, and allowed in any of Our Courts whatsoever, as shall be adjudged most advantageous and favourable unto the said *William Penn*, his Heirs and Assigns: Provided always no Interpretation be admitted thereof by which the Allegiance due unto Us, Our Heirs and Successors, may suffer any Prejudice or Diminution; although express Mention be not made in these Presents of the true yearly Value, or Certainty of the Premises, or any Part thereof, or of other Gifts and Grants made by Us and Our Progenitors or Predecessors unto the said *William Penn*: Any Statute, Act, Ordinance, Provision, Proclamation, or Restraint heretofore had, made, published, ordained, or provided, or any other Thing, Cause, or Matter whatsoever, to the contrary thereof in any wise notwithstanding. IN WITNESS whereof We have caused these Our Letters to be made Patent: Witness OUR SELF, at *Westminster*, the Fourth Day of *March*, in the *Three and thirtieth* Year of Our Reign, *Annusque Domini One Thousand Six Hundred and Eighty-one*.

If any Doubts concerning the true Sense of this Charter, should arise, it shall be construed in favour of *William Penn, &c.*

Date,

By Writ of Privy Seal,

P I G O T T.

C E R T A I N

CONDITIONS or CONCESSIONS

Agreed upon by *WILLIAM PENN*, Proprietary and Governor of the Province of *Pennsylvania*, and those who are the Adventurers and Purchasers in the same Province; the *Eleventh* of *July*, One Thousand Six Hundred and Eighty-one.

F I R S T.

THAT so soon as it pleaseth God, that the abovesaid Persons arrive there, a certain Quantity of Land or Ground Plat shall be laid out for a large Town or City, in the most convenient Place upon the River for Health and Navigation; and every Purchaser and Adventurer shall, by Lot, have

Assigned for a City to be laid out.

Highways and Streets not to be less than 40 Feet wide.

have so much Land therein as will answer to the Proportion which he hath bought or taken up upon Rent : But it is to be noted, that the Surveyors shall consider what Roads or Highways will be necessary to the Cities, Towns, or through the Lands. Great Roads from City to City not to contain less than *Forty* Foot in Breadth, shall be first laid out and declared to be for Highways, before the Dividend of Acres be laid out for the Purchaser, and the like Observation to be had for the Streets in the Towns and Cities, that there may be convenient Roads and Streets preserved, not to be incroached upon by any Planter or Builder, that none may build irregularly to the Damage of another. *In this, Custom governs.*

I I.

Land in Town to be laid out in Proportion to the Land taken up in the Country, &c.

THAT the Land in the Town be laid out together after the Proportion of *Ten Thousand* Acres of the whole Country, that is, *Two Hundred* Acres, if the Place will bear it : However, that the Proportion be by Lot, and entire, so as those that desire to be together, especially those that are by the Catalogue laid together, may be so laid together both in the Town and Country.

I I I.

No Purchaser to hold above 1000 Acres in a Place, unfettered, &c.

THAT when the Country-Lots are laid out, every Purchaser, from *One Thousand* to *Ten Thousand* Acres, or more, not to have above *One Thousand* Acres together, unless in *Three* Years they plant a Family upon every *Thousand* Acres ; but that all such as purchase together, lie together ; and if as many as comply with this Condition, that the whole be laid out together.

I V.

Purchasers of 5000 or 10000 Acres, desiring to be together, shall be seated near navigable Water, &c.

THAT where any Number of Purchasers, more or less, whose Number of Acres amounts to *Five* or *Ten Thousand* Acres, desire to sit together in a Lot or Township, they shall have their Lot or Township cast together, in such Places as have convenient Harbours or navigable Rivers attending it, if such can be found ; and in Case any one or more Purchasers plant not according to Agreement in this Concession, to the Prejudice of others of the same Township, upon Complaint thereof made to the Governor or his Deputy, with Assistance, they may award (if they see Cause) that the complaining Purchaser may, paying the Survey-Money, and Purchase-Money, and Interest thereof, be entitled, inrolled and lawfully invested in the Lands so not seated.

V.

Ten Acres in the City to be laid out for every Purchaser of 500.

THAT the Proportion of Lands that shall be laid out in the first great Town or City, for every Purchaser, shall be after the Proportion of *Ten* Acres for every *Five Hundred* Acres purchased, if the Place will allow it.

V I.

THAT notwithstanding there be no mention made in the several

several Deeds made to the Purchasers, yet the said *William Penn* does accord and declare, that all Rivers, Rivulets, Woods and Underwoods, Waters, Water-Courses, Quarries, Mines and Minerals (except Mines Royal) shall be freely and fully enjoyed, and wholly, by the Purchasers into whose Lot they fall.

Grant of Particulars not mentioned in the Purchase-Deeds.

VII.

THAT for every *Fifty Acres* that shall be allotted to a Servant at the End of his Service, his Quit-Rent shall be *Two Shillings per Annum*, and the Master or Owner of the Servant, when he shall take up the other *Fifty Acres*, his Quit-Rent shall be *Four Shillings* by the Year, or if the Master of the Servant (by Reason in the Indentures he is so obliged to do) allot out to the Servant *Fifty Acres* in his own Division, the said Master shall have on Demand allotted him, from the Governor, the *One Hundred Acres* at the chief Rent of *Six Shillings per Annum*.

Quit-rent on the 50 Acres allotted to Servants, &c.

VIII.

AND for the Encouragement of such, as are ingenious and willing to search out Gold- and Silver-Mines in this Province, it is hereby agreed, that they have Liberty to bore and dig in any Man's Property, fully paying the Damage done; and in Case a Discovery should be made, that the Discoverer have one *Fifth*, the Owner of the Soil (if not the Discoverer) a *Tenth* Part, the Governor *Two Fifths*, and the rest to the publick Treasury, saving to the King the Share reserved by Patent.

Gold- and Silver-Mines, how to be divided.

IX.

IN every *Hundred Thousand Acres*, the Governor and Proprietary, by Lot, reserveth *Ten* to himself, what shall lie but in one Place.

Reservation of 10 Acres in every 100000.

X.

THAT every Man shall be bound to plant or man so much of his Share of Land as shall be set out and surveyed, within *Three Years* after it is so set out and surveyed, or else it shall be lawful for new Comers to be settled thereupon, paying to them their Survey-Money, and they go up higher for their Shares.

Purchasers obliged to plant in three Years, &c.

XI.

THERE shall be no Buying and Selling, be it with an *Indian*, or one among another, of any Goods to be exported, but what shall be performed in publick Market, when such Places shall be set apart or erected, where they shall pass the publick Stamp or Mark. If bad Ware, and prized as good, or deceitful in Proportion or Weight, to forfeit the Value as if good and full Weight and Proportion, to the publick Treasury of the Province, whether it be the Merchandize of the *Indian*, or that of the Planters.

Buying and Selling to be in publick Market only.

Forfeitures in Case of Deceit.

XII.

AND FORASMUCH as it is usual with the Planters, to over-reach the poor Natives of the Country in Trade, by Goods

not

Goods sold to the *Indians*, shall be examined, &c.

not being good of the Kind, or debased with Mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the *Indians*, in Consideration of their Furs, shall be sold in the Market-Place, and there suffer the Test, whether good or bad; if good, to pass; if not good, not to be sold for good, that the Natives may not be abused nor provoked.

XIII.

Indians not to be abused.

Planter abused by *Indians*, shall complain to the Governor, &c.

THAT no Man shall, by any Ways or Means, in Word or Deed, affront or wrong any *Indian*, but he shall incur the same Penalty of the Law, as if he had committed it against his Fellow-Planter; and if any *Indian* shall abuse, in Word or Deed, any Planter of this Province, that he shall not be his own Judge upon the *Indian*, but he shall make his Complaint to the Governor of the Province, or his Lieutenant or Deputy, or some inferior Magistrate near him, who shall, to the utmost of his Power, take Care with the King of the said *Indian*, that all reasonable Satisfaction be made to the said injured Planter.

XIV.

Differences between Planters & Natives, to be ended by 6 of each.

THAT all Differences between the Planters and the Natives, shall also be ended by *Twelve* Men, that is, by *Six* Planters and *Six* Natives, that so we may live friendly together as much as in us lieth, preventing all Occasions of Heart-burnings and Mischiefs.

XV.

Indians have Liberty to improve their own Ground, &c.

THAT the *Indians* shall have Liberty to do all Things relating to Improvement of their Ground, and providing Sustainance for their Families, that any of the Planters shall enjoy.

XVI.

The Laws in several Cases to be as in *England*, till altered.

THAT the Laws, as to Slanders, Drunkenness, Swearing, Cursing, Pride in Apparel, Trespasses, Distresses, Replevins, Weights and Measures, shall be the same as in *England*, till altered by Law in this Province.

XVII.

All Cattle shall be mark'd, or else forfeited.

THAT all shall mark their Hogs, Sheep and other Cattle, and what are not marked within *Three* Months after it is in their Possession, be it young or old, it shall be forfeited to the Governor, that so People may be compelled to avoid the Occasion of much Strife between Planters.

XVIII.

One Acre of Wood to be left for every 5 cleared.

THAT in clearing the Ground, Care be taken to leave *One* Acre of Trees for every *Five* Acres clear'd, especially to preserve Oak and Mulberries, for Silk and Shipping.

XIX.

Ship-Masters shall give an Account of their Circumstances, &c. to an Officer, &c.

THAT all Ship-Masters shall give an Account of their Countries, Names, Ships, Owners, Freights and Passengers, to an Officer to be appointed for that Purpose, which shall be registred within *Two* Days after their Arrival; and if they shall refuse so to do, that then none presume to trade with them, upon Forfeiture thereof;

thereof ; and that such Masters be looked upon as having an evil Intention to the Province.

X X.

THAT no Person leave the Province, without Publication being made thereof, in the Market-Place, *Three* Weeks before, and a Certificate from some Justice of the Peace, of his Clearness with his Neighbours and those he hath dealt withal, so far as such an Assurance can be attained and given : And if any Master of a Ship shall, contrary hereunto, receive and carry away any Person that hath not given that publick Notice, the said Master shall be liable to all Debts owing by the said Person so secretly transported from the Province. *Lastly*, that these are to be added to, or corrected, by and with the Consent of the Parties hereunto subscribed.

Sealed and delivered in

the Presence of

William Boelham,

Harbert Springet,

Thomas Prudyard.

WILLIAM PENN.

Sealed and delivered in

the Presence of all

the Proprietors who

have herunto sub-

scribed, except Tho-

mas Farrinborough

and John Goodson,

in the Presence of

Hugh Chamberlen,

R. Murray,

Harbert Springet.

Humphry South,

Thomas Barker,

Samuel Jobson,

John Joseph Moore,

William Powel,

Richard Davie,

Griffith Jones,

Hugh Lambe,

Thomas Farrinborough,

John Goodson.

T H E

CHARTER of PRIVILEGES

Granted by WILLIAM PENN, Esq;
to the Inhabitants of *Pensilvania*
and Territories.

WILLIAM PENN, Proprietary and Governor of the Province of *Pensilvania* and Territories thereunto belonging, To all to whom these Presents shall come, sendeth Greeting. WHEREAS King CHARLES the Se-
cond, by His Letters Patents, under the Great Seal of England, bearing Date, the *Fourth* Day of *March*, in the Year *One Thousand Six Hundred and Eighty*, was graciously pleased to give and grant unto

unto me, and my Heirs and Assigns for ever, this Province of *Pensilvania*, with divers great Powers and Jurisdictions for the well Government thereof.

AND WHEREAS the King's dearest Brother, *JAMES Duke of YORK and ALBANY*, &c. by his Deeds of Feoffment, under his Hand and Seal duly perfected, bearing Date the *Twenty-Fourth Day of August, One Thousand Six Hundred Eighty and Two*, did grant unto me, my Heirs and Assigns, all that Tract of Land, now called the Territories of *Pensilvania*, together with Powers and Jurisdictions for the good Government thereof.

AND WHEREAS for the Encouragement of all the Freemen and Planters, that might be concerned in the said Province and Territories, and for the good Government thereof, I the said *WILLIAM PENN*, in the Year *One Thousand Six Hundred Eighty and Three*, for me, my Heirs and Assigns, did grant and confirm unto all the Freemen, Planters and Adventurers therein, divers Liberties, Franchises and Properties, as by the said Grant, entitled, *The FRAME of the Government of the Province of Pensilvania, and Territories thereunto belonging, in America*, may appear ; which Charter or Frame being found in some Parts of it, not so suitable to the present Circumstances of the Inhabitants, was in the *Third Month*, in the Year *One Thousand Seven Hundred*, delivered up to me, by *Six Parts of Seven* of the Freemen of this Province and Territories, in General Assembly met, Provision being made in the said Charter, for that End and Purpose.

AND WHEREAS I was then pleased to promise, That I would restore the said Charter to them again, with necessary Alterations, or in lieu thereof, give them another, better adapted to answer the present Circumstances and Conditions of the said Inhabitants ; which they have now, by their Representatives in General Assembly met at *Philadelphia*, requested me to grant.

KNOW YE THEREFORE, That for the further Well-being and good Government of the said Province, and Territories ; and in Pursuance of the Rights and Powers before-mentioned, I the said *William Penn* do declare, grant and confirm, unto all the Freemen, Planters and Adventurers, and other Inhabitants in this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lieth, to be held, enjoyed and kept, by the Freemen, Planters and Adventurers, and other Inhabitants of and in the said Province and Territories thereunto annexed, for ever.

FIRST.

BECAUSE no People can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession and Worship : And Almighty God being the only Lord of Conscience, Father of Lights and Spirits ; and the Author as well as Object

No Person believing in One GOD, &c. shall be molested on Ac-

Object

Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge *One* almighty God, the Creator, Upholder and Ruler of the World; and profess him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.

count of his Religious Persuasion;

Nor be compelled to frequent or maintain any Worship contrary to his Mind, &c.

AND that all Persons who also profess to believe in *Jesus Christ*, the Saviour of the World, shall be capable (notwithstanding their other Persuasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively, he or they solemnly promising, when lawfully required, Allegiance to the King as Sovereign, and Fidelity to the Proprietary and Governor, and taking the Attests as now established by the Law made at *New-Castle*, in the Year *One Thousand and Seven Hundred*, entitled, *An Act directing the Attests of several Officers and Ministers*, as now amended and confirmed this present Assembly.

Christians of all Denominations are capable of Offices, promising Allegiance to the King, &c.

II.

FOR the well governing of this Province and Territories, there shall be an Assembly yearly chosen, by the Freemen thereof, to consist of *Four* Persons out of each County, of most Note for Virtue, Wisdom and Ability, (or of a greater Number at any Time, as the Governor and Assembly shall agree) upon the *First* Day of *October* forever; and shall sit on the *Fourteenth* Day of the same Month, at *Philadelphia*, unless the Governor and Council for the Time being, shall see Cause to appoint another Place within the said Province or Territories: Which Assembly shall have Power to chuse a Speaker and other their Officers; and shall be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournments; appoint Committees; prepare Bills in order to pass into Laws; impeach Criminals, and redress Grievances; and shall have all other Powers and Privileges of an Assembly, according to the Rights of the free-born Subjects of *England*, and as is usual in any of the King's Plantations in *America*.

An Assembly shall be chosen yearly.

Their Powers and Privileges.

AND if any County or Counties, shall refuse or neglect to chuse their respective Representatives as aforesaid, or if chosen, do not meet to serve in Assembly, those who are so chosen and met, shall have the full Power of an Assembly, in as ample Manner as if all the Representatives had been chosen and met, provided they are not less than *Two Thirds* of the whole Number that ought to meet.

Two Thirds met shall have the Power of the whole.

AND

The Qualifications of Electors and Elected.

AND that the Qualifications of Electors and Elected, and all other Matters and Things relating to Elections of Representatives to serve in Assemblies, though not herein particularly expressed, shall be and remain as by a Law of this Government, made at *New-Castle* in the Year *One Thousand Seven Hundred*, entitled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections.*

III.

Power to chuse Sheriffs and Coroners.

THAT the Freemen in each respective County, at the Time and Place of Meeting for Electing their Representatives to serve in Assembly, may as often as there shall be Occasion, chuse a double Number of Persons to present to the Governor for Sheriffs and Coroners, to serve for *Three* Years, if so long they behave themselves well; out of which respective Elections and Presentments, the Governor shall nominate and commissionate one for each of the said Offices, the *Third* Day after such Presentment, or else the *First* named in such Presentment, for each Office as aforesaid, shall stand and serve in that Office for the Time before respectively limited; and in Case of Death or Default, such Vacancies shall be supplied by the Governor, to serve to the End of the said Term.

PROVIDED ALWAYS, That if the said Freemen shall at any Time neglect or decline to chuse a Person or Persons for either or both the aforesaid Offices, then and in such Case, the Persons that are or shall be in the respective Offices of Sheriffs or Coroners, at the Time of Election, shall remain therein, until they shall be removed by another Election as aforesaid.

Clerk of the Peace to be nominated by the Justices, &c.

AND that the Justices of the respective Counties shall or may nominate and present to the Governor *Three* Persons, to serve for Clerk of the Peace for the said County, when there is a Vacancy, one of which the Governor shall commissionate within *Ten* Days after such Presentment, or else the *First* nominated shall serve in the said Office during good Behaviour.

IV.

Stile of the Laws.

THAT the Laws of this Government shall be in this Stile, viz. *By the Governor, with the Consent and Approbation of the Freemen in General Assembly met*; and shall be, after Confirmation by the Governor, forthwith recorded in the Rolls Office, and kept at *Philadelphia*, unless the Governor and Assembly shall agree to appoint another Place.

V.

Criminals may have Council, &c.

THAT all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors.

VI.

THAT no Person or Persons shall or may, at any Time hereafter, be obliged to answer any Complaint, Matter or Thing what-

whatsoever, relating to Property, before the Governor and Council, or in any other Place, but in ordinary Course of Justice, unless Appeals thereunto shall be hereafter by Law appointed.

None shall be obliged to answer, but in ordinary Course of Justice.

VII.

THAT no Person within this Government, shall be licensed by the Governor to keep an Ordinary, Tavern or House of publick Entertainment, but such who are first recommended to him, under the Hands of the Justices of the respective Counties, signed in open Court; which Justices are and shall be hereby empowered, to suppress and forbid any Person, keeping such Publick-House as aforesaid, upon their Misbehaviour, on such Penalties as the Law doth or shall direct; and to recommend others from time to time, as they shall see Occasion.

Tavern-keepers, &c. to be recommended before licensed.

VIII.

IF any Person, through Temptation or Melancholy, shall destroy himself; his Estate, real and personal, shall notwithstanding descend to his Wife and Children, or Relations, as if he had died a natural Death; and if any Person shall be destroyed or killed by Casualty or Accident, there shall be no Forfeiture to the Governor by Reason thereof.

The Estate of Persons destroying themselves, shall descend to their Heirs.

AND no Act, Law or Ordinance whatsoever, shall at any Time hereafter, be made or done, to alter, change or diminish the Form or Effect of this Charter, or of any Part or Clause therein, contrary to the true Intent and Meaning thereof, without the Consent of the Governor for the Time being, and Six Parts of Seven of the Assembly met.

No Law, &c. shall alter this Charter, without &c.

BUT because the Happiness of Mankind depends so much upon the Enjoying of Liberty of their Consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my Heirs and Assigns, That the *First* Article of this Charter relating to Liberty of Conscience, and every Part and Clause therein, according to the true Intent and Meaning thereof, shall be kept and remain, without any Alteration, inviolably for ever.

The Article relating to Liberty of Conscience, shall be inviolable for ever.

AND LASTLY, I the said *William Penn*, Proprietary and Governor of the Province of *Pennsylvania*, and Territories thereunto belonging, for myself, my Heirs and Assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, That neither I, my Heirs or Assigns, shall procure or do any Thing or Things whereby the Liberties in this Charter contained and expressed, nor any Part thereof, shall be infringed or broken: And if any thing shall be procured or done, by any Person or Persons, contrary to these Presents, it shall be held of no Force or Effect.

The Proprietary solemnly confirms this Charter.

IN WITNESS whereof, I the said *William Penn*, at *Philadelphia* in *Pennsylvania*, have unto this present Charter of Liberties, set my Hand and broad Seal, this *Twenty-Eighth* Day of Date.

October, in the Year of Our Lord One Thousand Seven Hundred and One, being the Thirteenth Year of the Reign of King WILLIAM the Third, over England, Scotland, France and Ireland, &c. and the Twenty-First Year of my Government.

Proviso, that
the Province
and Territories
may separate
in Legislation ;

AND NOTWITHSTANDING the Closure and Test of this present Charter as aforesaid, I think fit to add this following Proviso thereunto, as Part of the same, *That is to say,* That notwithstanding any Clause or Clauses in the above-mentioned Charter, obliging the Province and Territories to join together in Legislation, I am content, and do hereby declare, that if the Representatives of the Province and Territories shall not hereafter agree to join together in Legislation, and that the same shall be signified unto me, or my Deputy, in open Assembly, or otherwise from under the Hands and Seals of the Representatives, for the Time being, of the Province and Territories, or the major Part of either of them, at any Time within *Three Years* from the Date hereof, that in such Case, the Inhabitants of each of the *Three Counties* of this Province, shall not have less than *Eight Persons* to represent them in Assembly, for the Province ; and the Inhabitants of the Town of *Philadelphia* (when the said Town is incorporated) *Two Persons* to represent them in Assembly ; and the Inhabitants of each County in the Territories, shall have as many Persons to represent them in a distinct Assembly for the Territories, as shall be by them requested as aforesaid.

And shall nevertheless enjoy separately the Privileges granted to them jointly.

NOT WITHSTANDING which Separation of the Province and Territories, in Respect of Legislation, I do hereby promise, grant and declare, That the Inhabitants of both Province and Territories, shall separately enjoy all other Liberties, Privileges and Benefits, granted jointly to them in this Charter, any Law, Usage or Custom of this Government heretofore made and practised, or any Law made and passed by this General Assembly, to the Contrary hereof, notwithstanding.

WILLIAM PENN.

Acceptation.

THIS CHARTER of PRIVILEGES being distinctly read in Assembly ; and the whole and every Part thereof, being approved of and agreed to, by us, we do thankfully receive the same from our Proprietary and Governor, at Philadelphia, this Twenty-Eighth Day of October, One Thousand Seven Hundred and One. Signed on Behalf, and by Order of the Assembly,

per Joseph Growdon, Speaker.

<i>Edward Shippen,</i>	<i>Griffith Owen,</i>	} Proprietary and Governor's Council.
<i>Phineas Pemberton,</i>	<i>Caleb Pusey,</i>	
<i>Samuel Carpenter,</i>	<i>Thomas Story.</i>	

T H E
C H A R T E R of the City
of P H I L A D E L P H I A.

WILLIAM PENN, Proprietary and Governor of the Province of *Pensylvania*, &c. To all to whom these Presents shall come, sends Greeting. KNOW YE, That at the humble Request of the Inhabitants and Settlers of this Town of *Philadelphia*, being some of the first Adventurers and Purchasers within this Province, for their Encouragement, and for the more immediate and entire Government of the said Town, and better Regulation of Trade therein, I have, by Virtue of the King's Letters Patent under the Great Seal of *England*, erected the said Town into a Burrough, and by these Presents do erect the said Town and Burrough of *Philadelphia* into a CITY; which said City shall extend the Limits and Bounds as it is laid out between *Delaware* and *Skuykill*.

Philadelphia incorporated at the Request of the Inhabitants.

Bounds.

AND I do for me, my Heirs and Assigns, grant and ordain, that the Streets of the said City shall for ever continue as they are now laid out and regulated; and that the End of each Street extending into the River *Delaware*, shall be and continue free for the Use and Service of the said City, and the Inhabitants thereof, who may improve the same for the best Advantage of the City, and build Wharfs so far out into the River there, as the Mayor, Aldermen and Common-Council, herein after mentioned, shall see meet.

The Streets shall continue as laid out, and the Ends on *Delaware* free, &c.

AND I do nominate *Edward Shippen* to be the present Mayor, who shall so continue until another be chosen, as is herein after directed.

First Mayor named;

AND I do hereby assign and name *Thomas Story* to be present Recorder, to do and execute all Things which unto the Office of Recorder of the said City doth or may belong.

Recorder.

AND I do appoint *Thomas Farmer* to be the present Sheriff, and *Robert Aylston* to be the present Town-Clerk, and Clerk of the Peace, and Clerk of the Court and Courts.

Sheriff and Clerk,

AND I do hereby name, constitute and appoint *Joshua Carpenter*, *Griffith Jones*, *Anthony Morris*, *Joseph Wilcox*, *Nathan Stanbury*, *Charles Read*, *Thomas Masters* and *William Carter*, Citizens

Aldermen,

Citizens

Citizens and Inhabitants of the said City, to be the present Aldermen of the said City of *Philadelphia*.

And Common-Council-Men.

AND I do also nominate and appoint *John Parsons, William Hudson, William Lee, Nebemiah Allen, Thomas Paschal, John Bud, Junior, Edward Smout, Samuel Buckley, James Atkinson, Pen-tecost Teague, Francis Cook* and *Henry Badcocke*, to be the *Twelve* present Common-Council-Men of the said City.

Incorporating Clause.

AND I do by these Presents, for me, my Heirs and Successors, give, grant and declare, that the said Mayor, Recorder, Aldermen and Common-Council-Men for the Time being, and they which hereafter shall be Mayor, Recorder, Aldermen and Common-Council-Men within the said City, and their Successors, for ever hereafter, be and shall be, by Virtue of these Presents, one Body corporate and politick in Deed, and by the Name of the Mayor and Commonalty of the City of *Philadelphia*, in the Province of *Pensylvania*: And them by the Name of Mayor and Commonalty of the City of *Philadelphia*, one Body politick and corporate in Deed and in Name, I do for me, my Heirs and Successors, fully create, constitute and confirm, by these Presents; and that by the same Name of Mayor and Commonalty of the City of *Philadelphia*, they may have perpetual Succession; and that they and their Successors, by the Name of Mayor and Commonalty of the City of *Philadelphia*, be and at all Times hereafter shall be Persons able and capable in Law, to have, get, receive and possess Lands and Tenements, Rents, Liberties, Jurisdictions, Franchises and Hereditaments, to them and their Successors, in Fee-simple, or for Term of Life, Lives, Years or otherwise; and also Goods, Chattels and other Things, of what Nature, Kind or Quality soever.

Power to hold Lands, &c.

And to sell or dispose of the same, &c.

AND also to give, grant, let, sell and assign the same Lands, Tenements, Hereditaments, Goods, Chattels, and to do and execute all other Things about the same, by the Name aforesaid; and also, that they be and shall be for ever hereafter Persons able and capable in Law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any the Courts and other Places, and before any Judges, Justices, and other Persons whatsoever within the said Province, in all Manner of Actions, Suits, Complaints, Pleas, Causes and Matters whatsoever, and of what Nature or Kind soever.

Seal.

AND that it shall and may be lawful to and for the said Mayor and Commonalty of the said City of *Philadelphia*, and their Successors, for ever hereafter, to have and use one common Seal for the Sealing of all Businesses touching the said Corporation, and the same from time to time at their Will and Pleasure to change or alter.

AND I do for me, my Heirs and Successors, give, and by these

these Presents grant full Power and Authority unto the Mayor, Recorder and Common-Council of the said City of *Philadelphia*, or any *Five* or more of the Aldermen, and *Nine* or more of the Common-Council-Men, the Mayor and Recorder for the Time being, or either of them, being present, on the First *Third Day* of the Week, in the *Eighth* Month yearly for ever hereafter, publickly to meet at a convenient Room or Place within the said City, to be by them appointed for that Purpose, and then and there nominate, elect and chuse one of the Aldermen to be Mayor for that ensuing Year.

Power of chu-
sing a Mayor
yearly,

AND also to add to the Number of Aldermen and Common-Council-Men, such and so many of those, that by Virtue of these Presents shall be admitted Freemen of the said City from time to time, as they the said Mayor, Aldermen and Common-Council shall see Occasion.

And adding to
the Number of
Aldermen and
Common-
Council.

AND that such Person who shall be so elected Mayor as aforesaid, shall, within *Three* Days next after such Election, be presented before the Governor of this Province, or his Deputy for the Time being, and there shall subscribe the Declarations and Profession of his Christian Belief, according to the late Act of Parliament made in the *First* Year of King *William's* Reign, entitled, *An Act for exempting Their Majesties Subjects, dissenting from the Church of England, from the Penalties of certain Laws*; and then and there the Mayor so presented, shall make his solemn Affirmation and Engagement for the due Execution of his Office.

Mayor to be
qualified before
the Governor.

AND that the Recorder, Sheriff, Aldermen and Common-Council-Men, and all other Officers of the said City, before they or any of them shall be admitted to execute their respective Offices, shall make and subscribe the said Declarations and Profession aforesaid before the Mayor for the Time being, and at the same time shall be attested for the due Execution of their Offices respectively; which Declarations, Promises and Attestations, the Mayor of the said City for the Time being, is hereby empowered to take and administer accordingly.

Recorder, &c.
to be qualified
before the
Mayor.

AND that the Mayor, Recorder and Aldermen of the said City, for the Time being, shall be Justices of the Peace and Justices of Oyer and Terminer; and are hereby empowered to act within the said City and Liberties thereof accordingly, as fully and amply as any Justice or Justices of the Peace or Oyer and Terminer, can or may do within the said Province.

Mayor, Recorder and Aldermen, shall be Justices of the Peace, and of Oyer and Terminer,

AND that they or any *Four* or more of them (whereof the Mayor and Recorder of the said City for the Time being shall be *Two*) shall and may for ever hereafter have Power and Authority, by Virtue of these Presents, to hear and enquire into all and all Manner of Treasons, Murthers, Manslaughters, and all Manner of Felonies and other Crimes and Offences, Capital and Criminal,

And have
Power to hear
and enquire in-
to all Crimes,
&c.

And to determine petty Larcenies, &c. and punish Drunkennels, &c.

whatsoever, according to the Laws of this Province and of the Kingdom of *England*, with Power also to hear and determine all petty Larcenies, Routs, Riots, unlawful Assemblies; and to try and punish all Persons that shall be convicted for Drunkennels, Swearing, Scolding, Breaking the Peace, or such like Offences, which are by the Laws of this Province to be punished by Fine, Imprisonment or Whipping; with Power also to award Process against all Rioters and Breakers of the Peace, and to bind them, and all other Offenders and Persons of evil Fame, to the Peace or good Behaviour, as any Justice or Justices of the Peace can do, without being accountable to me or my Heirs, for any Fines or Amerciaments to be imposed for the said Offences or any of them.

Without being accountable to the Proprietary for the Fines.

Power to hold Courts.

AND I do hereby empower them or any *Four* of them (whereof the Mayor and Recorder for the Time being shall be *Two*) with the City-Sheriff and Town-Clerk, to hold and keep a Court of Record Quarterly, or oftener, if they see Occasion, for the enquiring, hearing and determining of the Pleas and Matters aforesaid; and upon their own View, or after a legal Procedure in some of those Courts, to cause all Nuisances and Encroachments in the Streets of the said City to be removed, and punish the Parties concerned, as the Law and Usage in such Cases shall require.

Mayor, Recorder and Aldermen shall be of the *Quorum* of the County-Courts, &c.

AND I do by these Presents assign and appoint, that the present Mayor, Recorder and Aldermen herein before-mentioned, be the present Justices of the Peace, and Oyer and Terminer, within the said City; and that they and all others that shall be Mayors, Recorders and Aldermen of the said City for the Time being, shall have full Power and Authority, and are hereby empowered and authorized, without any further or other Commission, to be Justices of the Peace, and of Oyer and Terminer, within the said City for ever; and shall also be Justices of the Peace, and the Mayor and Recorder shall be of the *Quorum* of the Justices of the County-Courts, Quarter-Sessions, Oyer and Terminer, and Goal-Delivery in the said County of *Philadelphia*; and shall have full Power to award Process, bind to the Peace or Behaviour, or commit to Prison, for any Matter or Cause arising without the said City and within the Body of the aforesaid County, as Occasion shall require; and to cause Kalenders to be made of such Prisoners, which, together with all Recognizances and Examinations taken before them for or concerning any Matter or Cause not determinable by them, shall be duly returned to the Judges or Justices of the said County, in their respective Courts where the same shall be cognizable.

Power to erect a Goal- and Court-House.

AND that it may be lawful to and for the said Mayor and Commonalty and their Successors, when they see Occasion, to erect a Goal or Prison and Court-House within the said City.

AND

AND that the Mayor and Recorder for the Time being, shall have, and by these Presents have Power to take Recognizance of Debts there, according to the Statute of Merchants, and of Action Burnel; and to use and affix the common Seal thereupon, and to all Certificates concerning the same. Power to take Recognizance of Debts;

AND that it be lawful to and for the Mayor of the said City for the Time being, for ever hereafter to nominate, and from time to time appoint the Clerk of the Market, who shall have Assize of Bread, Wine, Beer, Wood and other Things; and to do, execute and perform all Things belonging to the Clerk of the Market within the said City. And to appoint a Clerk of the Market, &c.

AND I will that the Coroners to be chosen by the County of *Philadelphia* for the Time being, shall be Coroners of the said City and Liberties thereof; but that the Freemen and Inhabitants of the said City shall from time to time, as often as Occasion be, have equal Liberty with the Inhabitants of the said County, to recommend or chuse Persons to serve in the respective Capacities of Coroners and Sheriffs for the County of *Philadelphia*, who shall reside within the said City. Coroners chosen by the County, shall be Coroners of the City, &c.

AND that the Sheriff of the said City and County for the Time being shall be the Water-Bailiff, who shall and may execute and perform all things belonging to the Office of Water-Bailiff upon *Delaware* River, and all other navigable Rivers and Creeks within the said Province. The Sheriff shall be the Water-Bailiff, &c.

AND in Case the Mayor of the said City for the Time being, shall, during the Time of his Mayoralty, misbehave himself, or misgovern in that Office, I do hereby empower the Recorder, Aldermen and Common-Council-Men, or Five of the Aldermen and Nine of the Common-Council-Men of the said City of *Philadelphia* for the Time being, to remove such Mayor from his Office of Mayoralty; and in such Case, or in Case of the Death of the said Mayor for the Time being, that then another fit Person shall, within Four Days next after such Death or Removal, be chosen in Manner as is above directed for electing of Mayors, in the Place of him so dead or removed. Power of Removing the Mayor for Misbehaviour;

AND lest there should be a Failure of Justice or Government in the said City, in such Interval, I do hereby appoint, That the eldest Alderman for the Time being shall take upon him the Office of a Mayor there, and shall exercise the same till another Mayor be chosen as aforesaid; and in Case of the Disability of such eldest Alderman, then the next in Seniority shall take upon him the said Office of Mayor, to exercise the same as aforesaid. And chusing another.

AND in Case the Recorder, or any of the Aldermen or Common-Council-Men of or belonging to the said City, for the Time being, shall misbehave him or themselves in their respective Offices

Power of Removing the Recorder, Aldermen, or Common-Council-Men; and chusing others.

Offices and Places, they shall be remov'd and others chosen in their stead, in Manner following, *that is to say*, The Recorder for the Time being may be removed (for his Misbehaviour) by the Mayor, and *Two Thirds* of the Aldermen and Common-Council-Men respectively; and in Case of such Removal or of the Death of the Recorder, then to chuse another fit Person skilled in the Law, to be the Recorder there, and so to continue during Pleasure, as aforesaid. And the Alderman so misbehaving himself, may be removed by the Mayor, Recorder and *Nine* of the Aldermen and Common-Council-Men; and in Case of such Removal or Death, then within *Four Days* after, to chuse a fit Person or Persons to supply such Vacancies; and the Common-Council-Men, Constables, and Clerk of the Market, for Misbehaviour, shall be removed and others chosen, as is directed in the Case of Aldermen.

Penalties on Refusing to serve in the Offices of Mayor, Recorder, Common-Council-Men, &c.

AND I do also, for me and my Successors, by these Presents, grant to the said Mayor and Commonalty, and their Successors, that if any of the Citizens of the said City, shall be hereafter nominated, elected and chosen to the Office of Mayor, Aldermen and Common-Council-Men as aforesaid, and having Notice of his or their Election, shall refuse to undertake and execute that Office to which he is so chosen, that then, and so often it shall and may be lawful for the Mayor and Recorder, Aldermen and Common-Council-Men, or the major Part of the Aldermen and Common-Council-Men for the Time being, according to their Discretion, to impose such moderate Fines upon such Refusers, so as the Mayor's Fine exceed not *Forty Pounds*, the Alderman's *Five and Thirty Pounds*, and Common-Council-Men *Twenty Pounds*, and other Officers proportionably, to be levied by Distress and Sale, by Warrant under the common Seal, or by other lawful Ways, to the Use of the said Corporation. And in such Cases it shall be lawful to chuse others to supply the Defects of such Refusers, in Manner as is above directed for Elections.

Power of Summoning a Common-Council.

AND that it shall and may be lawful to and for the Mayor, Recorder, and at least *Three* Aldermen for the Time being, from time to time, so often as they shall find Occasion, to summon a Common-Council of the said City.

No Meeting shall be deemed a Common-Council, unless &c.

AND that no Assembly or Meeting of the said Citizens shall be deemed or accounted a Common-Council, unless the said Mayor and Recorder, and at least *Three* of the Aldermen for the Time being, and *Nine* of the Common-Council-Men be present.

AND also that the said Mayor, Recorder, Aldermen and Common-Council-Men for the Time being, from time to time, at their Common-Council, shall have Power to admit such and so many Freemen into their Corporation and Society as they shall think fit.

AND

AND to make (and they may make; ordain, constitute and establish) such and so many good and reasonable Laws, Ordinances and Constitutions (not repugnant to the Laws of *England* and this Government) as to the greater Part of them at such Common-Council assembled (where the Mayor and Recorder for the Time being, are to be always present) shall seem necessary and convenient for the Government of the said City.

Power to
make Laws
and Ordina-
nces ;

AND the same Laws, Ordinances, Orders and Constitutions so to be made, to put in Use and Execution accordingly, by the proper Officers of the said City ; and at their Pleasure to revoke, alter and make anew, as Occasion shall require.

And to put
them in Exe-
cution, revoke
them, &c.

AND also impose such Mulcts and Amerciaments upon the Breakers of such Laws and Ordinances, as to them in their Discretion shall be thought reasonable ; which Mulcts, as also all other Fines and Amerciaments to be set or imposed by Virtue of the Powers granted, shall be levied as above is directed in Case of Fines, to the Use of the said Corporation, without rendering any Account thereof to me, my Heirs and Successors ; with Power to the Common-Council aforesaid, to mitigate, remit or release such Fines and Mulcts, upon the Submission of the Parties. *Provided always*, That no Person or Persons hereafter shall have Right of Electing or being elected, by Virtue of these Presents, to any Office or Place judicial or ministerial, nor shall be admitted Freemen of the said City, unless they be free Denizens of this Province, and are of the Age of *Twenty-One* Years or upwards, and are Inhabitants of the said City, and have an Estate of Inheritance or Freehold therein, or are worth *Fifty Pounds* in Money or other Stock, and have been resident in the said City for the Space of *Two* Years, or shall purchase their Freedom of the Mayor and Commonalty aforesaid.

And to impose
Mulcts, &c.

What Persons
have Right to
elect or be
elected.

AND I do further grant to the said Mayor and Commonalty of the City of *Philadelphia*, that they and their Successors shall and may for ever hereafter hold and keep within the said City, in every Week of the Year, *Two* Market-Days, the one upon the *Fourth* Day of the Week and the other upon the *Seventh* Day of the Week, in such Place or Places, as is, shall, or may be appointed for that Purpose, by the said Commonalty or their Successors, from time to time.

Market-Days.

AND also *Two* Fairs therein every Year, the one of them to begin on the *Sixteenth* Day of the *Third* Month, called *May*, yearly, and so to be held in and about the Market-Place, and continue for that Day and *Two* Days next following ; and the other of the said Fairs to be held in the aforesaid Place on the *Sixteenth* Day of the *Ninth* Month yearly, and for *Two* Days next after.

Fairs.

AND I do for me, my Heirs and Assigns, by Virtue of the King's Letters Patent, make, erect and constitute the said City of *Philadelphia*, to be a Port or Harbour for discharging and unlading

Philadelphia
constituted a
Port.

of Goods and Merchandize out of Ships, Boats and other Vessels ; and for lading and shipping them in or upon such and so many Places, Keys and Wharfs there, as by the Mayor, Aldermen and Common-Council of the said City shall from time to time be thought most expedient for the Accommodation and Service of the Officers of the Customs, in the Management of the King's Affairs and Preservation of His Duties, as well as for Conveniency of Trade.

Extent of the Port.

AND I do ordain and declare, that the said Port or Harbour shall be called the Port of *Philadelphia*, and shall extend and be accounted to extend into all such Creeks, Rivers and Places within this Province, and shall have so many Wharfs, Keys, Landing-Places and Members belonging thereto, for Landing and Shipping of Goods, as the said Mayor, Aldermen and Common-Council for the Time being, with the Approbation of the chief Officer or Officers of the King's Customs, shall from time to time think fit to appoint.

The Landing-Places left open, with Liberty to dig Docks, &c.

AND I do also ordain, that the Landing-Places now and heretofore used at the *Penny-Pot-House* and *Blue Anchor*, saving to all Persons their just and legal Rights and Properties in the Land so to be open, as also the Swamp between *Bud's* Buildings and the *Society-Hill*, shall be left open and common for the Use and Service of the said City and all others, with Liberty to dig Docks and make Harbours for Ships and Vessels in all or any Part of the said Swamp.

Vacant Land to remain open for Pasture, until, &c.

AND I do hereby grant, that all the vacant Land within the Bounds and Limits of the said City, shall remain open as a free Common of Pasture, for the Use of the Inhabitants of the said City, until the same shall be gradually taken in, in order to build or improve thereon, and not otherwise. *Provided always*, that nothing herein contained, shall debar me or my Heirs in time to come, from fencing in all the vacant Lands that lie between the *Center-Meeting-House* and the *Skuykil*, which I intend shall be divided from the Land by me allotted for *Delaware Side*, by a straight Line along the *Broad-Street* from *Edward Shippen's* Land through the *Center-Square* by *Daniel Pegg's* Land ; nor shall the fencing or taking in of any of the Streets, happening to be within that Inclosure on *Skuykil*, be deemed or adjudged to be an Incroachment, where it shall not interfere or stop any of the Streets or Passages leading to any of the Houses built or to be built on that Side, any thing herein contained to the contrary notwithstanding.

This Charter to be construed in favour of the Corporation.

AND I do grant, that this present Charter shall in all Courts of Law and Equity be construed and taken most favourably and beneficially for the said Corporation.

Date.

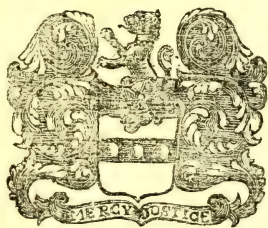
IN WITNESS whereof I have hereunto set my Hand and caused my Great Seal to be affixed. Dated at *Philadelphia* the *Five and Twentieth* Day of *October*, Anno Domini *One Thousand Seven Hundred and One*, and in the *Thirteenth* Year of the Reign of King *WILLIAM the Third*, over *England*, &c. and the *One and Twentieth* Year of my Government.

WILLIAM PENN.

A
COLLECTION
OF ALL THE
LAWS

Of the PROVINCE of
PENNSYLVANIA:
NOW IN FORCE.

Published by Order of ASSEMBLY.



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M,DCC,XLII.



ANNO REGNI
GULIELMI III.
 REGIS
 DUODECIMO.

At a GENERAL ASSEMBLY begun at *New-Castle*, the Fourteenth Day of *October*, and continued by Adjournment until the Twenty-seventh Day of *November*, in the Twelfth Year of the Reign of King *WILLIAM*, and in the Year of our LORD 1700. On which Day the following ACTS were passed by *WILLIAM PENN*, Esq; absolute Proprietary and Governor in Chief of the Province of *Pennsylvania*, &c. That is to say,

C H A P. I.

The Law concerning Liberty of Conscience.
 Repealed by the Queen's Order in Council the 7th of *February* 1705 : But in the same Year amended and re-enacted in the Words following,
viz.

The

The LAW concerning Liberty of Conscience.

Preamble.



LMIGHTY GOD being only LORD of Conscience, Author of all divine Knowledge, Faith and Worship, who can only enlighten the Minds and convince the Understanding of People; in due Reverence to his

Sovereignty over the Souls of Mankind, and the better to unite the Queen's Christian Subjects in Interest and Affection, BE IT ENACTED by JOHN EVANS, Esq; by the Queen's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief of the Province of *Pennsylvania*, and Counties annexed, by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person, now, or at any time hereafter, dwelling or residing within this Province, who shall profess Faith in GOD the Father, and in JESUS CHRIST His only Son, and in the Holy Spirit, One GOD blessed forevermore, and shall acknowledge the Holy Scriptures of the Old and New-Testament to be given by Divine Inspiration, and, when lawfully required, shall profess and declare that they will live peaceably under the civil Government, shall in any Case be molested or prejudiced for his or her *conscientious* Persuasion, nor shall he or she be at any time compelled to frequent or maintain any religious Worship, Place or Ministry whatsoever, contrary to his or her Mind, but shall freely and fully enjoy his or her *Christian Liberty* in all Respects, without Molestation or Interruption.

To whom allowed.

C H A P. II.

An ACT against Riots, Rioters, and riotous Sports, Plays and Games. Repealed.

C H A P. III.

An ACT against Adultery, Fornication, &c. Repealed.

C H A P. IV.

An ACT against Rape or Ravishment. Repealed.

C H A P.

C H A P. V.

An ACT against Incest, Sodomy and Bestiality.
Repealed.

C H A P. VI.

An ACT against Bigamy. Repealed.

C H A P. VII.

An ACT against Robbing and Stealing. Repealed.

C H A P. VIII.

An ACT about Boats and Canoes.

BE IT ENACTED by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That if any Person or Persons within this Province or Territories, shall fairly take up any Man's Boat or Canoe, the same being adrift, he shall receive, as a Reward, from the Owner thereof, the Sum of *Five Shillings* for a Boat, and *Two Shillings and Six Pence* for a Canoe. *Five Shillings for taking up a Boat, and Two Shillings and Six Pence for a Canoe.* AND if any Person or Persons shall, at any time after Publication of this Law, take, carry away or set adrift a Vessel, Boat or Canoe, from any Landing within this Province or Territories, without Leave or Consent first had and obtained from the Owner thereof, shall pay double the Value of such Vessel, Boat or Canoe; and the Property of the Vessel, Boat or Canoe so taken away or set adrift, as aforesaid, shall still remain in the Master or Owner thereof, and the Master or Owner of the same to have one half of the Penalty or Forfeiture. *Penalty for taking a Boat, &c. from a Landing, &c.*

C H A P. IX.

An ACT against breaking into Houses. Repealed.

C H A P. X.

An ACT against firing of Houses. Repealed.

C H A P. XI.

An ACT against forcible Entry.

BE IT ENACTED, &c. That whosoever shall violently and forcibly enter into the House or Possession of any other Person within this Province or Territories, being duly convicted thereof, shall be punished as a Breaker of the Peace, and make such Satisfaction to the Party aggrieved, as the Circumstances of the Fact will bear.

C H A P. XII.

An ACT against Menacing, and Assault and Battery. Repealed.

C H A P. XIII.

An ACT against Murther. Repealed.

C H A P. XIV.

An ACT against Sedition, spreading false News, and Defamation. Repealed.

C H A P. XV.

An ACT against removing Land-Marks.

FOR the greater Security and Certainty of the Boundaries of Land, **BE IT ENACTED**, &c. That no Person in this Province or Counties annexed, shall cut, fell, alter or remove any certain bounded Tree, or other allowed Land-Mark, to the Wrong of his Neighbour or any other Person; under the Penalty of any Sum not less than *Ten Pounds*.

C H A P. XVI.

An ACT against Defacers of Charters, &c.

WHEREAS the Security of Titles and Property in a great Measure depends upon the Safety and Certainty of Writing and Records, **BE IT ENACTED**, &c. That whosoever shall forge, deface, corrupt or imbezel any Charters, Gifts, Grants, Bonds

Bonds, Bills, Wills, Conveyances or Contracts, or shall deface or falsify any Inrolment, Registry or Record, within this Province or Territories, shall forfeit double the Value of the Damage thereby sustained, one half thereof shall go to the Party wronged; and the Person so offending shall be discarded from all Places of Trust, and publicly disgraced, as a false Person, in the Pillory, or otherwise, at the Discretion of the Court before whom the Cause shall be tried.

Forgery, &c.
how punished.

C H A P. XVII.

An ACT for County Seals, and against counterfeiting Hands and Seals. Repealed.

C H A P. XVIII.

An ACT for regulating the Interest of Money. Altered and supplied.

C H A P. XIX.

An ACT of Privileges to a Freeman. Repealed.

C H A P. XX.

An ACT against buying Land of the Natives.

BE IT ENACTED, &c. That if any Person shall presume to buy any Land of the Natives, within the Limits of this Province and Territories, without Leave from the Proprietary thereof, every such Bargain and Purchase shall be void and of none Effect.

C H A P. XXI.

An ACT directing how petty Offences shall be punished.

WHEREAS many Times, Persons for Misdemeanors, the Fine of which is but small, being presented by the Grand-Juries (which hath been the usual Course of Trials in such Cases heretofore) have been put to great Charges by Reason of the Fees that have accrued thereupon: For Prevention whereof,

B E

One Justice
may deter-
mine.

BE IT ENACTED by the Proprietary and Governor, by and with, &c. That where the Fine doth not exceed *Twenty Shillings*, one or more Justices of the Peace, upon due Proof of the Offence, or being committed in his or their Presence, may determine and give Judgment in every such Case, and issue Warrants to the Constable to levy the said Fine upon the Offender's Goods and Chattels by Distress and Sale thereof; or may commit the Offender to Prison, as the Law shall direct or require, except in such Cases where the Law leaves the Fine to the Discretion of the County Court.

C H A P. XXII.

An ACT for the Names of Days and Months.
Repealed.

C H A P. XXIII.

An ACT for the better Provision of the Poor, &c.
Obsolete.

C H A P. XXIV.

An ACT about the Recording of Deeds. Repealed.

C H A P. XXV.

An ACT for preventing clandestine Marriages.
Repealed.

C H A P. XXVI.

An ACT about binding to the Peace.

One Justice
may bind to
Peace.

BE IT ENACTED, &c. That whosoever shall threaten the Person of another, to wound, kill or destroy him, or do him any harm in Person or Estate, and the Person so threatened shall appear before a Justice of the Peace, and attest, That he believes that by such Threatning he is in Danger to be hurt in Body or Estate; such Person so Threatning as aforesaid, shall be bound over, with one sufficient Surety, to appear at the next Sessions or County Court, to be holden for the County where such Offence was committed, to be proceeded against according to Law; and, in the mean time, to be of his good Behaviour, and keep Peace towards all the King's Subjects.

C H A P.

C H A P. XXVII.

An A C T limiting the Presentments of the Grand-jury. Repealed.

C H A P. XXVIII.

An A C T to ascertain the Number of Members of Assembly, and to regulate Elections. Repealed.

C H A P. XXIX.

The L A W about Attachments. Repealed.

C H A P. XXX.

An A C T for Naturalization. Repealed.

C H A P. XXXI.

An A C T for Ascertaining the Descent of Lands, and better Disposition of the Estates of Persons intestate. Repealed.

C H A P. XXXII.

*An A C T for raising County Levies.
Altered and supplied.*

C H A P. XXXIII.

An A C T directing the Attests of several Officers and Ministers. Repealed.

C H A P. XXXIV.

An A C T for the better Attendance of the Justices on the several Courts of Judicature within this Province and Territories.

TO the End that the respective Justices of the several Counties within this Province and Territories, may give their due Attendance at the same Courts, that Business may speedily be effected, and People dispatched to follow their respective Callings and Affairs, **B E I T E N A C T E D, &c.** That the Justices of the Peace, shall, at their respective County Courts, give their Attendance, under the Penalty or Forfeiture of *Thirty Shillings*, one half to the Poor of the County, and the other to
C the

Penalty on Justices not attending on Courts.

the Proprietary and Governor ; to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of the Majority of the Justices at the next subsequent Court, to be directed to the Sheriff of the County ; unless such absent Justice shall give a sufficient Reason for such his Absence, to be allowed of by the said Court, at the next Sitting thereof.

C H A P. XXXV.

An ACT against Jurors Absenting, being lawfully summoned to attend the several Courts of Judicature within this Province and Territories.

Twenty Shilling Penalty for not appearing on Juries.

BE IT ENACTED, &c. That all Persons, Freemen within this Province and Territories, being duly and legally summoned to appear at any Court, to serve upon the Jury, or any Inquest required by Law, and shall neglect or omit to give their Attendance, shall be fined by the respective Courts, where they were summoned to attend, in any Sum not exceeding *Twenty Shillings*, for the Use of the Poor of the County where such Offence shall be committed ; unless, at the next succeeding Court, they render a reasonable Excuse for such their Absence, to be allowed of by the Judges or Justices then present.

C H A P. XXXVI.

An ACT for Determining of Debts under Forty Shillings. Repealed.

C H A P. XXXVII.

An ACT to prevent immoderate Fines. Repealed.

C H A P. XXXVIII.

An ACT about Defalcation. Repealed.

C H A P. XXXIX.

An ACT against Speaking in Derogation of Courts. Repealed.

C H A P.

C H A P. XL.

An ACT for the Appraisement of Goods.

BE IT ENACTED by the Authority aforesaid, That the respective County Courts within this Province and Territories, shall, and hereby have Power, as often as they shall see meet, to nominate and appoint three sufficient honest and discreet Persons, whom they shall attest to be Appraisers, in their several and respective Counties, to value and appraise all such Goods and Chattels as shall be taken upon Executions, by any Process out of the respective Courts of this Government, or as need shall require; which Goods shall not be sold till such Appraisement be made by them, as aforesaid, or any two of them, nor till seven Days after the said Appraisement, to the End the Party or Parties concerned may be present at the Sale thereof, if they think fit; which Sale shall be made openly, and in publick Way and Manner, and the Overplus to be returned to the Owner. A N D in Case the Goods appraised will not sell for so much as the same are appraised and valued to be worth by the said Appraisers, or any two of them as aforesaid, the Creditor shall receive them for his Pay, according as the same are valued and appraised, returning the Overplus as aforesaid. A N D the said Appraisers shall have, as a Fee, *Two Pence per Pound*, and *Two Pence per Mile*, Journey-Fees.

County Courts
to nominate
three Persons
to be Appraisers.

The Goods
not to be sold
within seven
Days.

C H A P. XLI.

An ACT against Barrators.

BE IT ENACTED by the Authority aforesaid, That if any Person within this Province and Territories, in any Court within the same, be indicted, proved and adjudged a common Barrator, vexing others with unjust and vexatious Suits; he shall be adjudged a common Barrator, and his Suits and Actions rejected if the Court see Cause for the same, and be punished for his Barratry.

C H A P. XLII.

*An ACT to oblige Witnesses to give Evidence,
and to prevent false Swearing. Repealed.*

C H A P.

C H A P. XLIII.

*An ACT confirming Devises of Lands and
Validity of nuncupative Wills. Repealed.*

C H A P. XLIV.

*An ACT to prevent the grievous Sin of Cursing
and Swearing within this Province and Territories.*

WHEREAS the Sins of Cursing and Swearing are odious and abominable to Almighty GOD, and all good Men, and may draw down GOD's Judgments upon any Nation, Country or Province, where such grand Offences go unpunished: For the Prevention whereof, and to deter and punish all such Persons, within this Province and Territories, as shall swear or accustom themselves to Swearing and Cursing;

Common
Swearers how
convicted.

*Five Shillings
for the first
Offence, or
five Days Im-
prisonment,
&c.*

*For the se-
cond Six Shil-
lings, &c.*

BE IT ENACTED by the Authority aforesaid, That if any Person or Persons within this Province and Territories, from and after the Publication hereof, shall swear in his or her common Conversation, by the Name of GOD, CHRIST or JESUS, and shall be legally convict thereof, by one or more credible Witnesses, before any one Justice of the Peace of the Town or County where such Offence was committed; shall, for the first Offence, forfeit and pay the Sum of *Five Shillings*, for the Use of the Poor of the County where such Offence was committed, or suffer five Days Imprisonment, in the House of Correction, at hard Labour, and be fed with Bread and Water during that time; and for the second Offence, *Six Shillings*, or six Days Imprisonment as aforesaid; and for the third Offence, *Ten Shillings*, or ten Days Imprisonment as aforesaid; and for the fourth Offence, shall be fined at the Discretion of the County Court, in any Sum not exceeding *Five Pounds*, or be compelled to work in Prison, at hard Labour, not exceeding two Months, and shall be deemed a common Swearer, and shall be liable to be whipped and to receive Twenty-one Lashes once in every three Months, during the Sitting of the County Courts, for seven Years.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That whosoever shall swear by any other Name or Thing, and is legally convict thereof, shall

shall pay, for every such Offence, half a Crown, or suffer three Days Imprisonment in the House of Correction, at hard Labour, and be fed with Bread and Water as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That whosoever shall wilfully, premeditatedly or despitefully blaspheme or speak loosely and prophanely of Almighty GOD, or CHRIST JESUS, or the HOLY SPIRIT, or the SCRIPTURES of TRUTH, and shall be legally convict thereof, shall forfeit and pay the Sum of *Ten Pounds*, for the Use of the Poor of the County where such Offence shall be committed, and suffer three Months Imprisonment, at hard Labour as aforesaid, for the Use of the Poor. AND whosoever shall at any time curse himself, or any other, or any thing belonging to himself or any other, and is legally convicted thereof, shall pay, for every such Offence, *Five Shillings*, or suffer five Days Imprisonment as aforesaid.

Blasphemers of the Almighty, &c. forfeit *Ten Pounds*, and suffer Imprisonment.

Curses of themselves or others, forfeit 5 s. &c.

C H A P. XLV.

An ACT to prevent Duelling, and Fighting of Duels, within this Province and Territories.

FOR the Prevention of Duelling and Fighting of Duels, within this Province and Territories, BE IT ENACTED by the Authority aforesaid, That if any Person, within this Government, challenge the Person of another, to fight at Sword, Pistol, Rapier, or any other dangerous and destructive Weapon, such Person, so challenging, shall forfeit and pay (being lawfully convict thereof) the Sum of *Twenty Pounds*, or suffer three Months Imprisonment, at hard Labour: And the Person accepting such Challenge shall forfeit and pay the like Sum of *Twenty Pounds*, or suffer Imprisonment as aforesaid. The said Forfeitures or Payments to be to the Use and Behoof of the Proprietary and Governor, and to no other Use whatsoever.

Twenty Pound Fine for him that gives, and also for him that accepts a Challenge, &c.

C H A P. XLVI.

An ACT for empowering Widows and Administrators to sell so much of the Lands of Intestates as may be sufficient to clear their Debts, &c.
Repealed.

C H A P. XLVII.

An ACT for the Preservation of the Person of the Proprietary and Governor. Repealed.

C H A P. XLVIII.

An ACT for taking Lands in Execution for the Payment of Debts, where the Sheriff cannot come at other Effects to satisfy the same.

Real Estates
liable to Sale
for Payment
of Debts.

How to proceed upon
Judgment obtained, &c.

TO the End that no Creditor may be defrauded of their just Debts, due to them by Persons of this Province and Territories, who have sufficient real Estates, if not personal, to satisfy the same, **BE IT ENACTED** by the Authority aforesaid, That all Lands and Houses whatsoever within this Government, shall be liable to Sale, upon Judgment and Execution obtained against the Defendant, the Owner, his Heirs, Executors or Administrators, where no sufficient personal Estate is to be found; with this due Provision, That the Messuage and Plantation, with its Appurtenances, upon which the Defendant is chiefly seated, shall not be exposed to Sale before the Expiration of one whole Year after Judgment is obtained; to the Intent that the said Defendant, or any other, on his Behalf, may endeavour the Redemption of the same: And before any such Lands, Messuages or Houses, or any other Lands, or Houses whatsoever, taken in Execution, shall be sold, they shall be duly appraised by twelve honest and discreet Men of the Neighbourhood; and that then it shall and may be lawful for the Sheriff to make Sale of and convey the same under his Hand and Seal. After which Sale and Appraisement made as aforesaid, such Land and Houses shall be and remain a free and clear Estate to the Purchaser or Creditor to whom they are so made over or sold, his Heirs and Assigns forever, as amply and fully as ever they were to the Debtor.

Interest shall
be allowed
the Creditor
till Sale, &c.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That lawful Interest shall be allowed to the Creditor for the Sum or Value he obtained Judgment for, from the time the said Judgment was obtained till the time of Sale, or till Satisfaction made.

PROVIDED ALSO, That the chief Plantation or Messuage shall last be taken in Execution; and that where the Appraisement of the Lands taken in Execution amounts to more than the Debt, Costs and Damages, the Creditor shall not be obliged in such Case to take the Whole, and pay the Overplus; but only to take so much as to satisfy the Execution, and no more.

The Creditor not obliged to take the whole Plantation, &c.

C H A P. XLIX.

An A C T for the better Regulation of Servants in this Province and Territories.

FOR the just Encouragement of Servants in Discharge of their Duty, and the Prevention of their Deserting their Masters or Owners Service, BE IT ENACTED by the, &c. That no Servant, bound to serve his or her Time in this Province or Counties annexed, shall be sold or disposed of to any Person residing in any other Province or Government, without the Consent of the said Servant and two Justices of the Peace of the County wherein he lives or is sold, under the Penalty of *Ten Pounds*, to be forfeited by the Seller.

No Servant to be sold out of this Government, without his Consent, under Penalty of *Ten Pounds*, forfeited by the Seller.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Servant shall be assigned over to another Person, by any in this Province and Territories, but in the Presence of one Justice of the Peace of the County, under the Penalty of *Ten Pounds*; which Penalty, with all others in this Act mentioned, shall be levied by Distress and Sale of Goods of the Party offending.

Nor assigned over except before a Justice.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Servant that shall faithfully serve four Years, or more, shall, at the Expiration of their Servitude, have a Discharge, and shall be duly clothed with two compleat Suits of Apparel, whereof one shall be new, and shall also be furnished with one new Ax, one Grubbing-Hoe, and one Weeding-Hoe, at the Charge of their Master or Mistress.

The Allowance to Servants at the Expiration of their Servitude.

AND for Prevention of Servants quitting their Masters Service, BE IT ENACTED by the Authority aforesaid, That if any Servant shall absent him or herself from

Servants shall
serve five Days
for every Days
Absence from
their Master,
&c.

from the Service of their Master or Owner, for the Space of one Day, or more, without Leave first obtained for the same, every such Servant, shall, for every such Day's Absence, be obliged to serve five Days, after the Expiration of his or her Time, and shall further make such Satisfaction to his or her Master or Owner, for the Damages and Charges sustained by such Absence, as the respective County Courts shall see meet, who shall order, as well the Time to be served, as other Recompence for Damages sustained.

The Reward
for taking up
Run-aways,
&c.

A N D whoever shall apprehend or take up any run-away Servant, and shall bring him or her to the Sheriff of the County, such Person, shall, for every Servant, if taken up within ten Miles of the Servant's Abode, receive *Ten Shillings*; and if ten Miles, or upwards, *Twenty Shillings* Reward of the said Sheriff; who is hereby required to pay the same, and forthwith to send Notice to the Master or Owner, of whom he shall receive *Five Shillings*, Prison-Fees, upon the Delivery of the said Servant, together with all other Disbursements and reasonable Charges for and upon the same.

Penalty for
concealing
Servants.

A N D to prevent the clandestine Employing of other Men's Servants, **BE IT ENACTED** by the Authority aforesaid, That whosoever shall conceal any Servant of this Province or Territories, or entertain him or her Four-and-twenty-Hours, without his or her Master's or Owner's Knowledge or Consent, and shall not, within the said time, give Notice thereof to some Justice of the Peace of the County, every such Person shall forfeit *Twenty Shillings* for every Day's Concealment. **A N D** in case the said Justice shall not, within Twenty-four Hours after Complaint made to him, issue his Warrant, directed to the next Constable, for Apprehending and Seizing the said Servant, and commit him or her to the Custody of the Sheriff of the County, such Justice, shall, for every such Offence, forfeit *Five Pounds*. **A N D** the Sheriff shall by the first Opportunity, after he has received the said Servant, send Notice thereof to his or her Master or Owner; and the said Sheriff neglecting or omitting, in any case, to give Notice to the Owner or Master of the Servant being in his Custody as aforesaid, shall forfeit *Five Shillings* for every Day's Neglect after an Opportunity has offered; to be proved against him before the next County Court, and to be there adjudged.

Penalty on
the Justice for
Neglect.

As also on the
Sheriff.

A N D

AND for the more effectual Discouragement of Servants Imbezeling their Masters or Owners Goods, BE IT ENACTED by the Authority aforesaid, That whosoever shall clandestinely deal or traffick with any Servant, White or Black, for any kind of Goods or Merchandizes, without Leave or Order from his or her Master or Owner, plainly signified and appearing, shall forfeit treble the Value of such Goods to the Owner; and the Servant, if a White, shall make Satisfaction to his or her Master or Owner by Servitude, after the Expiration of his or her Time, to double the Value of the said Goods: And if the Servant be a Black, he shall be severely whip'd in the most publick Place of the Townshipp where the Offence was committed.

Persons dealing clandestinely with Servants or Slaves, forfeit treble the Value of the Goods dealt for, &c.

C H A P. L.

An ACT for the Erecting and Establishing a Post-Office. Supplied by an Act of Parliament.

C H A P. LI.

An ACT for the Assize of Bread.

FOR the better Regulation of Bakers, and the Assize of Bread, BE IT ENACTED by the Authority aforesaid, That henceforth every Baker who makes any Bread for Sale, shall have a distinct Mark to be set on all the Bread he shall bake, and shall make it of the true Assize hereafter expressed, *That is to say*, When Wheat is ordinarily sold for Money at any of these several Rates hereafter mentioned, the several Sorts of Bread shall be respectively according to the following Table, by *Troy-Weight*.

Every Baker to set his Mark on Bread.

Price of Wheat per Bushel.	Penny white Bread.	Penny wheaten Bread.	Penny household Bread.
s. d.	Os. 2r.	Os. 2r.	Os. 2r.
3 0	10 0	15 2	23 0
3 6	9 1	14 0	21 0
4 0	8 2	12 3	19 0
4 6	7 3	12 0	17 0
5 0	6 3	11 1	16 0
5 6	6 0	10 2	14 3
6 0	5 2	9 3	13 3
6 6	5 0	9 1	12 0

The Weight Bakers shall make their Bread.

On Penalty, And so proportionably, under the Penalty of Forfeiting all
 &c. such Bread as shall not be of the several Assizes before-
 mentioned, to the Use of the Poor where the Offence is
 committed, and otherwise, as is herein after expressed.

And to make And that each Baker shall bake but three Sorts of Bread,
 no more than viz. White, Wheaten and Household, and no more; and
 three Sorts of the Loaves shall be a *Penny Loaf* or Roll, a *Five Penny Loaf*,
 Bread, &c. and a *Ten Penny Loaf*; and that if any of these exceed the
 Assize in Fineness or Weight, it shall be equally seizable as
 if it were under the Fineness or Weight. And each Baker
 of sold Bread shall be allowed *Six Pence* on the Bushel above
 the Assize, *That is to say*, When Wheat is at *Five Shillings*
per Bushel, they shall make their Bread as if Wheat were at
Five Shillings and Six Pence. And Wheat being at *Five*
Shillings per Bushel, the *Penny* white Bread shall weigh six
 Ounces, the Wheaten ten Ounces and a half, and the
 Household fourteen Ounces and three Quarters, and so pro-
 portionably, as if the Wheat were sold at *Five Shillings and*
Six Pence.

AND for the better Execution of this present Law,
 BE IT FURTHER ENACTED by the
 Authority aforesaid, That there shall be in every Market-
 Town, and in all other Towns needful, one Person com-
 missionated by the Proprietary and Governor, to be Clerk
 of the Market for each Market, who shall be attested duly
 to perform his Office therein. All which Officers are here-
 by authorized to enter into all Houses, either with a Con-
 stable, or without, where they shall suspect or be informed
 of any Bread baked for Sale, as also to weigh all such
 Bread, as often as they shall see cause, and to seize all such
 as they shall find deficient; as also to weigh all Butter made
 up for Sale, or brought unto or being in the Town or Mar-
 ket to be sold by Weight, which, if found light a second
 time, once after Notice is given, shall be in like Manner for-
 feited; as also all Bread, made for Sale, not being duly marked
 as aforesaid: Of all which Forfeitures, the said Officer shall
 have one third Part for his Trouble; the other two Thirds
 to the Use of the Poor as aforesaid.

In every Town need-
 ful a Clerk of
 the Market
 shall be ap-
 pointed;

Who are to
 try the
 Weight of
 Bread and
 Butter which
 if too light
 shall be for-
 feited.

How the For-
 feitures shall
 be disposed
 of.

AND for the more effectual Prevention of Frauds herein,
 BE IT FURTHER ENACTED by the
 Authority aforesaid, That all Persons within this Province
 and Territories, who bake any Bread for Sale, shall, at all
 Times hereafter, have all their Bread that they bake, either
 for Sale, or to spend in their Houses, made of the due
 Assize,

Assize, marked and yielded to Tryal of the said Officer, as is directed in this Act, under the Penalty of forfeiting all such Bread whatsoever as aforesaid.

C H A P. LII.

An ACT for Priority of Payment to the Inhabitants of this Government. Repealed.

C H A P. LIII.

An ACT for the Regulating of Streets and Water-Courses in the Cities and Towns of this Government. Repealed.

C H A P. LIV.

An ACT for preventing Accidents that may happen by Fire in the Towns of Bristol, lately called Buckingham, Philadelphia, Germantown, Darby, Chester, New-Castle and Lewis, within this Government. Repealed.

C H A P. LV.

An ACT to empower the Justices in each County to lay out and confirm all Roads, except the King's Highways and publick Roads.

BE IT ENACTED by the Authority aforesaid, That all the King's Highways or publick Roads, within this Province or Counties annexed, shall be laid out by Order of the Governor and Council for the time being; which Roads shall be recorded in the Council Book, with the Courses thereof, as near as may be done.

The King's Highways to be laid out by Order of the Governor and Council.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Justices of each County Court, within this Government, shall, and by Virtue of this Act, have Power, as often as they find needful, in open Court, to order and appoint six sufficient House-keepers of the Neighbourhood inhabiting near the Place where Complaint is made, for Want of a Road or Cart-way unto the publick Road, who shall view the said Place; and

And where it is necessary for a Cart way to the publick Road, upon Complaint, by order of the Justices of the County Court.

The Breadth not to exceed fifty Foot.

If approved of, to be entered upon Record.

If thro' improvd Lands to be paid for by the County.

and if the said House-keepers, or any four of them, are satisfied that there is Occasion for a Road or Cart-way to be laid out, according to the Complainant or Complainants Desire, then they shall and may lay out the same in and through such convenient Places as they shall think may be least to the Damage and Inconveniency of the Neighbours or Parties concerned, and least injurious to the Settlements thereabouts; and of such a Breadth as the Justices shall order and appoint, so that it exceed not fifty Foot; and shall make Return thereof, under their Hands, to the next County Court, after it is laid out: And if then and there the Justices approve the same, it shall, at the same Court, be entered upon Record, and, from thenceforth, be taken, deemed and allowed to be a lawful Road or Cart-way, from that time forward. *Provided*, That no such Road shall be carried through any Man's improved Lands, but where there is a Necessity for the same; and where that appears, the respective County Court shall appoint six indifferent Men to view and adjudge the Value of so much of such improved Lands as shall be taken up for the Use aforesaid, and the Value thereof shall be paid to the Owner of the said Lands out of the respective County Stock.

Such Roads shall be free and open.

AND to prevent any Difference that may arise among Neighbours, about Roads or Cart-ways laid out by Order of the Governor and Council, or any of the County Courts in this Government, and which are or shall be entered upon Record, either before or after the making and publishing of this Act, BE IT ENACTED by the Authority aforesaid, That all such Roads and Cart-ways, as before-mentioned, shall be taken, deemed and allowed to be free, open and lawful Roads and Cart-ways, from the time they are so laid out and recorded as aforesaid.

Persons presuming to stop any laid-out Road, by falling Trees, &c. forfeit Five Pounds.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall presume to stop or hinder any of the said High-ways, or other Roads heretofore laid out, or hereafter to be laid out and allowed of as aforesaid, and shall commit any Nuisance therein, by falling of Trees, making Fences, or any other Way, and do not remove the same forthwith, such Person or Persons shall be fined in the Sum of *Five Pounds*, to be levied by Distress and Sale of the Offender's Goods and Chattels, to be employed by the County Court for the clearing and removing of the said Nuisances; and the Remainder thereof shall be employed by the said Court in
Re-

Repairing and Clearing other Roads within the Township where the Offence was committed, any Law, Custom or Usage to the Contrary hereof in anywise notwithstanding.

C H A P. LVI.

*An ACT for regulating and maintaining of
Fences.*

FOR preventing of all Disputes and Differences that may arise through the Neglect or Insufficiency of Fences in this Province and Counties annexed, **BE IT ENACTED** by the Authority aforesaid, That all Corn-Fields and Grounds kept for Inclosures within the said Province and Counties annexed, shall be well fenced with Fence at least five Foot high, of sufficient Rail or Logs, and close at the Bottom; and whosoever, not having their Grounds inclosed with such sufficient Fence as aforesaid, shall hurt, kill or do Damage to any Horse, Kine, Sheep, Hogs or Goats of any other Person, by hunting them or driving them out of or from the said Grounds, shall be liable to make good all Damage sustained thereby to the Owner of the said Cattle. *Provided*, That all Sorts of Swine going at large, contrary to the Intent of an Act made and passed this present Sessions, entituled, *An ACT for restraining of Swine from running at large*, shall not fall nor be deemed within the Construction of this Act. But if any Horse, Kine, Sheep, Hogs or Goats, or any kind of Cattle, shall break into any Man's Inclosure, the Fence being of the aforesaid Height and Sufficiency, and by the View of two Persons, for that Purpose appointed by the County Court, found and approved to be such, then the Owner of such Cattle shall be liable to make good all Damages to the Owner of the Inclosure: For the first Offence single Damages only, and ever after double the Damages sustained. **AND** all Persons having any unruly Horses, Mares or Cattle, that are not to be kept off by such Fences as aforesaid, are ordered, and shall be obliged to take effectual Care to restrain the same from trespassing on their Neighbours Inclosures.

A lawful
Fence shall be
five Foot
high.

Swine run-
ning at large
not within this
Act.

AND for the better ascertaining and regulating of Partition-Fences, **BE IT FURTHER ENACTED** by the Authority aforesaid, That where any Neighbours shall improve Lands adjacent to each other,

A Division-Fence to be maintained by both Parties.

The County Courts to nominate Persons to be Judges of the Sufficiency of all Fences.

How the aforesaid Judges are to proceed.

or where any Person shall inclose any Land adjoining to another's Land already fenced in, so that any Part of the first Person's Fence becomes the Partition-Fence between them; in both these Cases the Charge of such Division-Fence (so far as inclosed on both Sides) shall be equally born and maintained by both Parties. To which End, and the others in this Act mentioned, each County Court, within this Province, shall nominate, and is hereby impowered and required to nominate and appoint so many honest and able Men as they shall think fit, for each County respectively, to view all such Fence and Fences about which any Difference may happen to arise; and that the aforesaid Persons, in each County respectively, shall be the sole Judges of the Charge to be born by the Delinquent, or by both or either Party; and of the Sufficiency of all Fences, whether Partition-Fences or others. And where they judge any Fence to be insufficient, they shall give Notice thereof to the Owners or Possessors; and if any one of these Owners or Possessors, upon the Request of the other, and due Notice given by the said Viewers, shall refuse to make or repair the said Fence or Fences, or to pay the Moiety of the Charge of any Fence before made (being a Division-Fence) within ten Days after Notice given, that then, upon Proof thereof before two Justices of the Peace of the respective County, it shall be lawful for the said Justice to order the Person aggrieved and suffering thereby, to repair the said Fence or Fences, who shall be reimbursed his Cost and Charges from the Person so refusing to make good the said Partition-Fence or Fences; and that the said Costs and Charges shall be levied upon the Offender's Goods and Chattels, by Warrant from the said Justice, by Distress and Sale thereof, the Overplus (if any be) to be returned to the Party offending.

C H A P. LVII.

An ACT for the Erecting of Bridges and maintaining Highways.

FOR the greater Conveniency and Ease of Travelling in and through this Province and Counties annexed,
BE IT ENACTED by the Authority aforesaid, That within twelve Months after the Rising of this General Assembly, Bridges shall be built and maintained over all small Creeks and Rivulets, where the respective County Courts shall see cause, from the Falls of *Delaware*

County Courts to order Bridges to be erected over small Creeks and Rivulets.

to

to the utmost Parts of *Suffex* County, on the King's Road, ten Foot broad, with Rails on each Side; * Altered by the County Levy Act [*+ which County Courts shall with the Concurrence of the Grand-Jury*] agree with and appoint some Person or Persons to build such Bridges in their respective Counties, who shall be paid for the same out of the respective County Stocks. AND where any Creek is the Bounds or Limits of two Counties, the Charge of a Bridge over such Creek shall be equally paid by each of the said Counties: And to that End it shall be lawful for the Governor and Council to appoint and agree with Workmen to build such Bridges as aforesaid; and when built to certify the same, with the Charges thereof, to each of the said County Courts respectively, to be held next after such Bridges are finished; upon which the said Courts shall forthwith order the County-Treasurer to pay such Undertaker or Undertakers their respective County Moieties for the same.

Where a Creek is the Bounds of two Counties, the Bridge to be order'd by the Governor and Council.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Trees, Stumps of Trees, and other Incumbrances, that lie in or cross any Highways, shall be cleared; and all Passages in or out of all Creeks, Runs and Branches in the King's Road, and all Passages in and out of all other Creeks, Runs and Branches, where other Roads are or shall be established, shall be made safe and easy both for Horse and Cart: And to that End each respective County Court shall divide their County into as many Precincts as they shall think fit, and shall, every seventh Month yearly, nominate and appoint one Overseer of the Highways over every such Precinct, under the Penalty of *Ten Pounds*. AND every such Overseer shall summon all the Inhabitants of his respective Precinct, as from time to time he shall see Occasion, upon the Penalty of *Five Pounds*, to come to such Place or Places as he shall appoint, and be there ready at or before the Sun be one Hour high, and continue at Work thereat till within an Hour of Sun-set (Meal-Times excepted) upon the Penalty of *Twenty Shillings* for each wilful Absence or Neglect; and in case of Non-Payment, to be levied by Warrant from the Justices at the next County Court, directed to such Person as the said Court shall order and appoint, by Distress and Sale of Goods; which Distress shall be returned to next Court ensuing, to the Benefit of that Precinct, towards the defraying of the Charge of the Highways and Bridges therein.

All Roads to be kept clear.

Overseers of the Highways to be appointed yearly for each Precinct.

The Duty of such Overseers.

Bridges over
Mill-Races
by whom to
be erected.

PROVIDED ALWAYS, That the said Overseer shall give each of the Inhabitants six Days Notice before they are to go out as aforesaid. AND if any publick Road now is or hereafter shall be laid out by Authority over any Mill-Race, which was cut before such Road was laid out, in such case, if it be the King's Road, there shall be a Cart-Bridge built and maintained over the said Mill-Race at the Charge of the County in Manner aforesaid. And if it be any other than the King's Road, then the Overseer of the Precinct wherein it is, shall order the making and maintaining such Bridge: But if any Mill-Race be cut through any publick Road, which was by Authority laid out before the cutting thereof, then the Owner or Owners of the said Mill-Race shall build such Bridge or Bridges as aforesaid, at his or their proper Cost or Charges.

C H A P. LVIII.

An ACT against Wears cross Creeks and Rivers.

TO the End that all Persons inhabiting upon or near any Creeks or Rivers in this Province or Counties annexed, may enjoy all Privileges and Advantages that from them are to be reaped, BE IT ENACTED by the Authority aforesaid, That whosoever shall make a Wear or Wears from one Side of any Creek, in this Province or Counties annexed, to the other Side thereof, shall, for every such Offence, pay *Ten Shillings*, and the Wear or Wears shall be destroyed. *Provided*, That this Act shall not extend to Mill-Dams or Races, nor to such as make Wears on their own Lands, so as they shall not be injurious to others.

C H A P. LIX.

An ACT against unseasonable Firing of Woods.

FOR Prevention of Dangers and Damages that may ensue upon firing of Woods at unseasonable Times of the Year, BE IT ENACTED by the Authority aforesaid, That whosoever shall presume to set on Fire any Woods, Lands or Marshes in this Province or Territories, before the first Day of the first Month, yearly, or after the first Day of the third Month, shall make good all Damages that shall thereby happen to any the Inhabitants thereof.

C H A P.

C H A P. LX.

*An ACT about Erecting and Regulating the
Prices of Ferries. Supplied.*

C H A P. LXI.

An ACT for the Tryal of Negroes. Repealed.

C H A P. LXII.

*An ACT to prevent sickly Vessels coming into
this Government.*

WHEREAS it hath been found by sad Experience, that the Coming and Arriving of unhealthy Vessels at the Ports and Towns of this Province and Territories, and the Landing of their Passengers and Goods before they have lain some time to be purified, hath proved very detrimental to the Health of the Inhabitants of this Province, **BE IT THEREFORE ENACTED** by the Authority aforesaid, That from and after the Publication hereof, no unhealthy or sickly Vessels, coming from any unhealthy or sickly Place whatsoever, shall come nearer than one Mile to any of the Towns or Ports of this Province or Territories, without Bills of Health; nor shall presume to bring to Shore such Vessels, nor to land such Passengers or their Goods, at any the said Ports or Places, until such time as they shall obtain a Licence, for their Landing at *Philadelphia*, from the Governor and Council; or from any two Justices of the Peace of any other Port or County of this Province or Territories, under the Penalty of *One Hundred Pounds*, for every such unhealthy Vessel so Landing as aforesaid, to the Use of the Proprietary and Governor. **AND** that suitable Provision be ordered by the Governor and Council for their Reception, if they be permitted to land or come on Shore.

Sickly Vessels
not to come
within a Mile
of *Philadelphia*,
or other
Town, with-
out Licence,
on 100*l.* Pe-
nalty.

C H A P. LXIII.

*An ACT for the Sitting of the Orphans Courts.
Supplied.*

C H A P. LXIV.

An ACT requiring all Masters and Commanders of all Ships and Vessels, to make Report at the Town of New-Castle, that are or shall be bound to and from the Sea. Repealed.

C H A P. LXV.

An ACT for the Levying of Fines. Repealed.

C H A P. LXVI.

The LAW about Departers out of this Province. Repealed.

C H A P. LXVII.

An ACT against Mixing and Adulterating strong Liquors. Repealed.

C H A P. LXVIII.

The LAW against Scolding. Repealed.

C H A P. LXIX.

An ACT about killing of Wolves. Repealed.

C H A P. LXX.

An ACT concerning Bills of Exchange.

BE IT ENACTED by the Authority aforesaid, That if any Person or Persons within this Province or Territories, shall draw or indorse any Bill or Bills of Exchange, upon any Person or Persons in *England*, or other Parts of *Europe*, and the same be returned back unpaid, with a legal Protest, the Drawer thereof, and all others concerned, shall pay and discharge the Contents of the said Bill or Bills, together with *Twenty Pounds per Cent.* Advantage for the Damage thereof, and so proportionable for greater or less Sums, in the same Specie the same Bill or Bills were drawn, or current Money of this Province, equivalent to that was first paid by the Drawer or Indorser.

*20 per Cent. on
protested Bills
of Exchange.*

C H A P.

C H A P. LXXI.

An ACT for Regulating Money-Weights, &c.
Obsolete.

C H A P. LXXII.

An ACT appointing the Rate of the Money or Coin in this Province, &c. Repealed by Her Majesty's Order in Council, the 30th Day of July, 1703.

C H A P. LXXIII.

An ACT for Regulating Weights and Measures.

BE IT ENACTED, &c. That in each County of this Province and Territories, there shall be had and obtained, within two Years after the making of this Law, at the Charge of each County, to be paid out of the County Levies, Standards of Brass for Weights and Measures, according to the King's Standards for the Exchequer; which Standards shall remain with such Officer in the Counties aforesaid as shall be from time to time appointed by the Governor, with the Advice of the Council: And every Weight, according to its Scantling, and every Measure, as Bushels, Half-Bushels, Pecks, Gallons, Pottles, Quarts and Pints, shall be made just Weights, and Measures, and marked by him that keeps the Standards. And no Person within this Province and Territories, shall presume to buy and sell by any Weights or Measures not sealed or marked in Form aforesaid, and made just according to the Standards aforesaid, by the Officers in whose Possession the Standards remain, on Penalty of forfeiting *Five Shillings* to the Prosecutor, being convicted by one Justice of the Peace, of the Unjustness of his Weights and Measures.

AND that once a Year, at least, the said Officer, with the Grand-Jury, or the major Part of them, or for Want of the Grand-Jury, with such as shall be allowed and appointed by the respective County Court aforesaid, for Assistance, shall try the Weights and Measures in the Counties aforesaid: And those Weights and Measures that are defective, to be seized by the said Officer and Assistants; which said Officer shall have, for his Fees, for making each Bushel, Half-Bushel and Peck just Measure, and marking the same (that is large enough when brought to his Hands, shall have

Standards of Weights and Measures to be kept in each County.

And an Officer to be appointed, &c.

His Duty.

All Weights to be sealed, on Penalty of *Five Shillings*.

The Officer to try all Weights once a Year.

His Fees.

Ten

The Penalty
on the Officer
for Misbeha-
viour.

Ten Pence ; and for every lesser Measure *Three Pence* : For every Yard *Three Pence* : For every Hundred and half Hundred Weight, being made just and marked, *Three Pence* ; for every lesser Weight, *One Penny*. And if the Weights and Measures be made just before they be brought to him, then to have but half the Fees aforesaid for marking the same. And if the Officer shall refuse to do any thing that is enjoined by this Law, for the Fees appointed, and be duly convicted thereof, shall forfeit *Five Pounds*, to the Use of the Proprietary and Governor.

What shall be
deemed law-
ful Measures
and Weights.

PROVIDED ALWAYS, AND IT IS HEREBY ENACTED, That the bras Half-Bushel, now in the Town of *Philadelphia*, and a Bushel and Peck proportionable, and all lesser Measures and Weights coming from *England*, being duly sealed in *London*, or other Measures agreeable therewith, shall be accounted and allowed to be good by the aforesaid Officers, until the said Standards shall be had and obtained.

Altered by a
later Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Person shall sell Beer or Ale by Retail, but by Beer-Measure, according to the Standard of *England*.

CHAP. LXXIV.

An ACT to prevent the Sale of ill-tann'd Leather, and working the same into Shoes and Boots. Repealed.

CHAP. LXXV.

An ACT for keeping a Registry in Religious Societies.

BE IT ENACTED by the Authority aforesaid, That the Registry now kept, or which shall be hereafter kept by any religious Society, in their respective Meeting-Book or Books, of any Marriage, Birth or Burial, within this Province or Territories thereof, shall be held good and authentick, and shall be allowed of upon all Occasions whatsoever.

CHAP.

C H A P. LXXVI.

An ACT for Viewing Pipe-Staves. Repealed.

C H A P. LXXVII.

An ACT for the preventing of Swine Running at large. Repealed.

C H A P. LXXVIII.

An ACT that no Publick-House or Inn within this Government be kept without Licence.
Repealed.

C H A P. LXXIX.

An ACT for the better Assessing and Raising of County-Levies for this present Year. Expired.

C H A P. LXXX.

An ACT for the Ascertaining the Dimensions of Cask, and for the true Packing of Meat for Transportation.

W H E R E A S it is the Interest of all Governments to exercise Truth and Uprightness in all their Trade and Dealings, which many Persons, for their private Interest, too often violate: To the End therefore that the same may be observed in the Traffick and Commerce of this Province and Territories, and especially that the Commodities generally exported to foreign Markets, may be good, in respect of their Quality, and compleat in respect of their Quantity, **B E I T E N A C T E D** by the Authority aforesaid, That all tight Cask for Beer, Ale, Cider, Pork, Beef and Oyl, and all such Commodities, shall be made of good, sound, well-seasoned White-Oak Timber, and shall contain as followeth, *viz.* The Puncheon, The Contents of Cask. eighty four Gallons; the Hoghead, sixty three Gallons; the Tierce, forty two Gallons; the Barrel, thirty one Gallons and a half; and the Half-Barrel, sixteen Gallons, Wine-Measure, according to the Practice of our neighbouring Colonies: And that all Coopers set their Marks on the said Casks respectively, on Penalty of forfeiting the same.

H

A N D

*Altered and
supplied by an
Act of the 13th
of George I.*

AND to prevent the Exportation of unsound and unmerchantable Beef, BE IT ENACTED by the Authority aforesaid, That no Person, after the Publication hereof, shall presume to ship any Beef or Pork before it be first viewed and packed or repacked by an Officer or Packer, to be for that Purpose appointed; which shall, after the Officer's View and Approbation, be marked with the said Officer's Mark: And any Person or Persons that shall ship on board any Vessel, any Beef or Pork, in order to be transported, without the said Officer's Mark as aforesaid, he or they, for every such Cask, shall forfeit and pay the Sum of *Ten Shillings*. AND the Justices of the respective County Courts, within this Government, shall nominate and appoint such Officer or Packer as aforesaid; which Officer shall have *Nine Pence* for the Packing, Pickling and Heading of every Barrel.

*Altered & supplied
by the 12th
of George I.*

AND BE IT FURTHER ENACTED, &c. That all Biscuit and Flower, made for Transportation, shall be well made, and honestly and truly packed, for the Encouragement of our Trade and Credit; that those who purchase the same may not be cheated or defrauded. And all such Persons that make Flower or Biscuit for Transportation shall set their several Brand-Marks on each Cask before ship'd, on Penalty of *Five Shillings* for every Cask by them sold and unmarked as aforesaid. And if any Bread or Flower shall pass out of this Province or Territories false packed, and the same happen to be returned, in all such Cases the Persons offending shall pay to the Party wronged double Damages for the same.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Cooper, Baker or Bolter shall enter, or cause their respective Brand-Marks to be entered in a Book for that Purpose, to be kept by the said Officer or Packer.

*Dimensions
of Hoghead-
Staves.*

AND for the better enabling Coopers to comply with this Act, BE IT ENACTED by the Authority aforesaid, That all Hoghead-Staves shall be three Foot and a half long, and three Inches broad, clear of Sap: Barrel-Staves, two Foot and four Inches long, and three Inches broad, clear of Sap; and that all Hoghead and Barrel-Staves, that are not of the aforesaid Dimensions, shall not be accounted merchantable, but be reckoned two for one.

AND

AND that the Tobacco made and raised in this Government, may be, at least, in equal Reputation abroad with those of other Colonies, it is necessary that the Planters and Makers thereof use Honesty in the Handling, and Faithfulness in the Packing thereof: **BE IT THEREFORE ENACTED** by the Authority aforesaid, That all Tobacco-Hogheads shall be made of good seasoned Timber, four Foot long, or within an Inch more or less, and thirty two Inches in the Head, equal with the Gauge of *Maryland*; four of which Hogheads shall be accounted a Ton, and every Cask in which Tobacco is to be packed, shall be first tared and marked with the true Tare thereof, by the Planter or Packer of such Tobacco, under the Penalty of *Twenty Shillings*, to be forfeited by the said Planter to the Person that may be wronged thereby. *Provided*, That by reason of the Difference often found between Steel-yards and Scales, no Person shall be liable to pay the Penalty aforesaid, where the Difference, in one Draught, is not above five Pounds Weight. And for every Tobacco-Hoghead, of the Dimensions aforesaid, the Buyer shall allow to the Planter or Seller *Five Shillings*, current Money of *Pennsylvania*.

Tobacco to be honestly handled and pack'd.

Of what Size Tobacco-Hogheads shall be, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person after the Publication hereof, wilfully and fraudulently pack, or cause to be packed into Hogheads, and offer to Sale, any Traff or Seconds, rotten or frost-bitten Tobacco, or such as shall be altogether unmerchantable, or otherwise than what shall appear upon the Head or Out-Side of the said Tobacco when packed, and the same be discovered and found out before it be removed from the Place of Sale, being duly convicted thereof, shall pay for every such Hoghead so packed *Forty Shillings*, current Money of this Government, to the Poor of the County where the Offence shall be committed, any Law, Usage or Custom to the Contrary notwithstanding.

Penalty on Tobacco not being honestly pack'd.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Bread or Flower Cask shall be made for Transportation of larger Dimensions than double the Gauge of Wine-Measure above-mentioned, *viz.* The Half-Barrel not to exceed thirty one Gallons and a half; the Barrel sixty three Gallons, and so proportionably.

Dimensions of Flower-Cask.

PROVIDED ALWAYS, That any Person may make Cask as much less as they please to suit any Market.

C H A P. LXXXI.

An ACT about cutting Timber-Trees.

BE IT ENACTED by the Authority aforesaid, That if any Person or Persons within this Province or Territories, shall be convict of Cutting or Falling any Black-Walnut-Trees upon another Person's Land, without Leave, he shall forfeit to the Owner thereof *Five Pounds* for every Tree so felled and cut; and for other Timber *Fifty Shillings* each Tree; and for Fire or Under-Wood double the Value thereof, to the Use aforesaid.

C H A P. LXXXII.

The LAW against Drunkenness and Healths-Drinking. Repealed.

C H A P. LXXXIII.

An ACT for Bailing of Prisoners, and about Imprisonment. Repealed.

C H A P. LXXXIV.

An ACT against Pirates and Sea Robbers. Repealed.

C H A P. LXXXV.

An ACT for granting an Impost upon Wines, Rum, Beer, Ale, Cider, &c. imported, retailed and sold in this Province and Territories. Expired.

C H A P. LXXXVI.

An ACT for raising of one Penny per Pound, and Six Shillings per Head, for Support of Government, and Payment of Debts, and Defraying the necessary Charge thereof. Expired.

C H A P. LXXXVII.

An ACT for Granting and Raifing to the Proprietary and Governor the Sum of Two Thousand Pounds, upon the real Value of all real and personal Estates, and upon the Polls of all Free-men within this Province and Counties annexed. Expired.

C H A P. LXXXVIII.

An ACT for the effectual Establishment and Confirmation of the Freeholders of this Province and Territories, their Heirs and Assigns, in their Lands and Tenements. Repealed.

C H A P. LXXXIX.

An ACT for Erecting a Bridge over the Creek at Chester in the County of Chester. Repealed.

C H A P. XC.

An ACT about Country Produce to be current Pay in the Territories of the Province of Pennsylvania.

W H E R E A S there is a Necessity, for the Sake of Commerce, that the Growth or Produce of the Territories annexed to the Province of *Pennsylvania* shall pass in the Lieu of Money : B E I T E N A C T E D, &c. That all merchantable Wheat, Rye, Indian-Corn, Barley, Oats, Pork, Beef and Tobacco, shall be accounted current Pay, at the Market-Price, within the said Territories ; except where Contract is made for Silver-Money, or other Specie. *Provided*, That where the Debtor hath divers Sorts of such Country Produce as aforesaid, it shall be in the Election of the Creditor which of them he will accept for his Debt.

C H A P. XCI.

The LAW for continuing and confirming the Laws hereafter expressed. Repealed.

C H A P. XCII.

The LAW about Court Proceedings and Summons.

Any Person
may appear to
plead his own
Cause in all
Courts.

The Method
of proceed-
ing.

BE IT ENACTED, &c. That in all Courts, all Persons of all Persuasions may freely appear in their own Way, and according to their own Manner, and there personally plead their own Cause themselves, or if unable, by their Friends: And that the first Process shall be the Exhibition of Complaint, fourteen Days before the Tryal: And that the Defendant may be prepared for his Defence, he or she shall be summoned no less than ten Days before, and a Copy of the Complaint delivered him or her, at his or her Dwelling-House, to answer unto. But before the Complaint of any Person shall be received, he or she shall solemnly declare, in open Court, *That he or she believeth in his or her Conscience that his or her Cause is just.* And if the Party complained against, shall, notwithstanding, refuse to appear, the Plaintiff shall have Judgment against the Defendant by Default.

C H A P. XCIII.

The LAW about Summoning of Juries.

THAT due Preparation may be made for Dispatch of Justice, BE IT ENACTED, &c. That the Sheriff of every County, shall, ten Days before the Sitting of the ordinary Courts of Justice, summon a sufficient Number of Freemen, to attend the said Court, for the Service of the said County; and upon Neglect of his Duty herein, to pay double Damages to the Party or Parties grieved.

C H A P. XCIV.

The LAW about Forms of Writs.

TO the End that Plainness and Brevity may be used, BE IT ENACTED, &c. That all Arrests and Summons to answer, &c. made according to the following Forms, shall be held legal and authentick within this Government.

An A R R E S T.

THES E are in the King's Name to command thee to arrest ^{The Form of Writs.} the Body of A. B. if found in thy Bailiwick, and him safely keep, and have at the next County Court, to be held, &c. on the ----- Day of the ----- Month next, as well to answer the Complaint of C. D. as to abide the Judgment of the said Court; and make Return thereof, and of thy Doing therein, at the said Court: Fail not at thy Peril; and for thy so Doing this shall be thy sufficient Warrant. Given under my Hand and Seal this ----- Day of the ----- Month, in the ----- Year of the Reign of William the III^d, &c. Annoq; Dom.

S U M M O N S.

THES E are in the King's Name to require thee A. B. to ^{And Summons.} be and appear at the next County Court, to be held at on the ----- Day of the ----- Month next, to answer the Complaint of C. D. and hereof fail not at thy Peril. Given under my Hand and Seal this ----- Day of the ----- Month, in the Year of the Reign of ----- over England, Annoq; Dom.

C H A P. XCVI.

The LAW about Indian-Traders.

WHEREAS great Complaints have been made, that divers Persons who are Non-Residents and unfettled, come into this Province, and privately and clandestinely deal and trade with the Indians; who by reason of their Non-Residence as aforesaid, and frequent Removal from one Province to another, are not careful to maintain a fair Correspondence with the said Indians, and often oppress and abuse them in their Way of Trading and Dealing with them; which may provoke and stir up the Indians to a Revenge of the said Abuses, to the great Prejudice and Disquietude of the Inhabitants of this Province, who are fixed therein, and have been instrumental in the settling, promoting and advancing the Welfare and Well-being thereof; **B E I T E N A C T E D, &c.** That no Person, Non-Resident, either on Shore or on board any Vessel (except such as come here with their Families with an Intent to settle) deal or trade with any Indians within this Government, upon any Pretence whatsoever, upon the Forfeiture of Five Pounds, for every such Offence, and the ^{Non Residents not to trade with the Indians on Penalty of 5*l*. &c.} Goods

Goods so purchased, one half to go to the publick Use of the County, and the other half to the Discoverer.

AND BE IT FURTHER ENACTED,
Nor the Inhabitants in the Woods, &c. That no Inhabitant within this Province or Territories, from henceforth, under the Penalty aforesaid, presume to deal or trade with the Indians in the Woods, at their Towns or Wigwams after any private or clandestine Manner, but at their respective Mansion-Houses; which said Dwelling-Houses shall be adjudged so to be by the respective Court in each County, any Law, Custom or Usage to the contrary notwithstanding.

C H A P. XCVII.

An ACT about Officers Fees. Supplied.

C H A P. XCVIII.

An ACT for Establishing Courts of Judicature. Repealed.

C H A P. XCIX.

An ACT directing the Punishment of Larceny under Five Shillings. Supplied.

C H A P. C.

An ACT about Attachments under Forty Shillings.

See other Attachments 4. Annæ and 1 Georgii.

WHEREAS by the Twenty-ninth Law of this Government, made at *New-Castle*, in the Year 1700, *It was Enacted*, That the Justices of the respective Counties should grant Writs of Attachment, which were to be served by the Sheriffs or Coroners: But forasmuch as by that Law no Attachments can be granted for a Debt under *Forty Shillings*; which could it be, the Charges thereof would amount to more than the Debt itself before the Creditor receives the same: Therefore, for the Ease and Benefit of the People, **BE IT ENACTED, &c.** That if any Person shall absent him or herself out of this Government, not taking care to satisfy and pay his or her just Debts, it shall and may be lawful for any Justice of the Peace, where such Person's Effects are, to grant a Writ of Attachment for any

any Debt under *Forty Shillings*, directed to the Constable to attach the Goods and Chattels, or other Effects of such Person, to answer the Creditor: And if he or she shall make Proof of his or her said Debt, the Justice shall award Execution for the same; to be executed by the Constable, who shall have *Two Shillings* for serving the Writ of Attachment, and *Three Shillings* for serving the Execution; which said Goods or other Effects shall be brought to an Appraisalment, but not sold until the Expiration of three Months next after, to the End that the Debtor may have time to redeem them, if he see cause; any Act or Law in this Government to the contrary in anywise notwithstanding.

C H A P. C I.

An ACT for the Preventing of clandestine Marriages.

FOR the Preventing of clandestine, loose and unseemly Proceedings in Marriage, within this Province and Counties annexed, **BE IT ENACTED, &c.** That all Marriages not forbidden by the Law of **GOD**, How to be done. shall be encouraged; but the Parents or Guardians shall, if conveniently they can, be first consulted with, and the Parties Clearncels of all Engagements, signified by a Certificate from some credible Person where they have lived, or do live, produced to such religious Society to which they relate, or to some Justice of the Peace of the County in which they live, and by their Affixing their Intentions of Marriage on the Court-House or Meeting-House Door in each respective County where the Parties do reside or dwell, one Month before Solemnization thereof; the which said Publication, before it be so affixed as aforesaid, shall be brought before one or more Justices of the Peace in the respective Counties to which they respectively belong, which Justice shall subscribe the said Publication, Witnessing the Time of such Declaration, and Date of the said Publication so to be affixed as aforesaid. **MARRIAGE by Justice of the Peace.** **A N D** that all Marriages shall be solemnized by taking each other for Husband and Wife before twelve sufficient Witnesses; and the Certificate of their Marriage under the Hands of the Parties and Witnesses, at least Twelve, and one of them a Justice of the Peace, shall be brought to the Register of the County where they are married, and registered in his Office. **A N D** if any Servant

If Servants marry, they serve one whole Year more, &c. or Servants shall procure themselves to be married without Consent of his or her Master or Mistress, such Servant or Servants, shall, for such their Offence, each of them, serve their respective Master or Mistress one whole Year, after the time of their Servitude by Indenture or Engagement is expired. AND if any Person being free, shall marry with a Servant as aforesaid, he or she so Marrying shall pay to the Master or Mistress of the Servant, if a Man, *Twelve Pounds*, and if a Woman, *Six Pounds*, or one Year's Service; and the Servant so being married, shall abide with his or her Master or Mistress according to Indenture or Agreement, and one Year after as aforesaid. AND if any Person shall presume to marry, or be Witnesses to any Marriage, contrary to this Act, such Person so married, shall forfeit *Twenty Pounds* to the Proprietary and Governor; and the Witnesses being present at such Marriage shall forfeit and pay each of them *Five Pounds*, to the Use of the Proprietary and Governor as aforesaid, and pay Damages to the Party grieved, to be recovered in any Court of Record within this Government.

Marriages in religious Societies, &c. excepted.

PROVIDED, That this Law shall not extend to any who shall marry or be married in the religious Society to which they belong, so as Notice shall be given by either of the Parties to the Parents, Masters, Mistresses or Guardian, one full Month, at least, before any such Marriage be solemnized.

AND IT IS FURTHER ENACTED by the Authority aforesaid, That no Licence or Dispensation shall hinder or obstruct the Force or Operation of this Act, in respect of Notice to be given to Parents, Masters, Mistresses or Guardians as aforesaid.

C H A P. CII.

An ACT for preventing Accidents that happen by Fire in the Towns of Bristol (formerly called Buckingham) Philadelphia, Germantown, Derby, Chester, New-Castle and Lewes, within this Government.

BE IT ENACTED by the Authority aforesaid, That if within ten Days after the Publication hereof, any Person or Persons, within any of the said Towns, set on fire their Chimnies to cleanse them, or shall suffer them, or any of them to be so foul as to take Fire and blaze out at the Top, and be duly convicted thereof, by two credible Persons of the Neighbourhood, before some one Justice of the Peace, such Person or Persons shall forfeit, for every such Offence, *Forty Shillings*. Forty Shillings Penalty for Chimnies taking Fire, &c.

AND for the further securing of Houses, and Preventing of Fire from Destroying them in the said Towns, **B**E IT ENACTED by the Authority aforesaid, That every Owner or Tenant of every Dwelling-House within the said Towns, shall, within ten Days after the Publication hereof, provide and keep in or by his or her House a Swab, at least fourteen Foot long, as also two Leather Buckets, within six Months at farthest after the Publication aforesaid, to be always ready against any Accidents of Fire, under the Penalty of *Ten Shillings* for every respective Neglect hereof, to be convicted as aforesaid. Buckets, &c. to be kept by every Owner of a dwelling House, on Penalty, &c.

AND **B**E IT FURTHER ENACTED, That if any Person shall presume to smoke Tobacco in the Streets of *Philadelphia*, either by Day or Night, shall forfeit, for every such Offence, *Twelve Pence*; all which said Fines shall be paid to the respective Justices of each Township, for the Use of the Town, and are to be employed for buying and providing Leather-Buckets, Hooks and other Instruments and Engines against Fires, for the publick Use of each Town respectively. One Shilling Fine for Smoking in the Street.

AND **B**E IT FURTHER ENACTED by the Authority aforesaid, That no Person, within the Town of *Philadelphia*, after six Months, next following the Publication hereof, presume to keep in their Houses, Shops This Clause altered by the Law for Erecting a Powder-House in Philadelphia.

or Ware-Houfes more than fix Pounds of Gun-Powder, at one time, unleſs it be forty Perches diſtant from any Dwelling Houſe, under the Penalty of *Ten Pounds*, for every ſuch Offence, to the Uſe aforeſaid, to be convicted in Manner above expreſs'd.

Hooks to be
provided, and
by whom, &c.

AND IT IS HEREBY FURTHER ENACTED, That it ſhall and may be lawful for any one or more Juſtices of the Town of *Philadelphia*, to procure or cauſe to be made, four or ſix good ſufficient Hooks for pulling down Houſes in caſe of Fire (the ſaid Juſtice or Juſtices taking to his or their Aſſiſtance two or more of the ſkilful Freeholders, for that Purpoſe.) The ſaid Hooks to be paid for out of the Fines that ſhall or may accrue by this Act; or for Want thereof, out of any other Money that is or ſhall be raiſed in *Philadelphia* for the Uſe of ſaid Town.

C H A P. CIII.

An ACT againſt Swine running at large in ſeveral Townſhips, &c. Repealed.

C H A P. CIV.

An ACT for the Deſtruction of Black-Birds and Crows.

WHEREAS it manifeſtly appears, by the innumerable Quantities of Black-Birds and Crows, that continually haunt in this Province and Territories, to the great Prejudice, Hurt and Annoyance of the Inhabitants thereof, being very deſtructive to all Sorts of Corn and Grain that is raiſed therein, ſo that the People's Labour is much deſtroyed thereby: And that the People may for the Future be the better encouraged in their Labour and Induſtry, by Deſtroying ſuch Birds, thereby to hinder the great Increate, BE IT ENACTED by the Authority aforeſaid, That whoſoever ſhall at any time hereafter kill either Black-Birds or Crows, ſhall, for all ſuch Black-Birds that he or they ſhall ſo kill, have *Three Pence* the Dozen; and for every Crow *Three Pence*: *Provided*, That ſuch Perſon or Perſons do and ſhall bring the Heads of all ſuch Black-Birds or Crows to ſuch Perſon or Perſons

Reward for
killing Black-
Birds, and
Crows.

*Vide County
Levy-Act.*

Persons as shall, by the respective County Courts in each County within this Province and Territories, be appointed to receive and take an Account of the same; which said County Courts are hereby impowered and required yearly to appoint, from time to time, as many Persons as they think convenient for that Service. And that such Person or Persons who shall be appointed to receive and take an Account of all such Black-Birds and Crows as aforesaid, shall have and receive for the same after the Rate of *Ten per Cent.* All which said Sum or Sums of Money, as the same shall amount unto, shall be defrayed and paid out of the publick Stock; to be levied and raised in such Manner and Form, in each County, as other publick Charges of this Government are used to be raised and discharged.

PROVIDED, That all and every such Person and Persons who are so appointed to receive and take an Account of the Heads of all such Black-Birds and Crows that shall be brought to them by the Inhabitants as aforesaid, be attested to the faithful Discharge of their Duty therein, and to keep an exact Account thereof, which Account shall be deemed good and effectual: And that such Persons shall yearly bring their Accounts to the Court and Grand-Jury at such time as is by the Law appointed for Calculating the publick Charges of the County.

C H A P. CV.

An ACT for the Sale of the Court-House and Prison in the County of Chester. Approved.

C H A P. CVI.

An ACT against selling Rum and other strong Liquors to the Indians.

W H E R E A S our Proprietary and Governor, and the Representatives of the Freemen of this Province and Territories in General Assembly met, are still desirous to induce the Indian Nations to the Love of the Christian Religion, by the gentle, sober and just Manners of profest Christians (under this Government) towards them: And it being too obvious that divers Persons within this Province, have used and practised the selling of
L Rum,

The Reason
of this Act.

Rum, Brandy and other strong Liquors in such Quantities to the Indians; many of whom are not yet able to govern themselves in the Use thereof (as by sad Experience is too well known) that they are generally apt to drink to great Excess; whereby they are not only liable to be cheated, and reduced to great Poverty and Want, but sometimes inflamed to destroy themselves and one another, and terrify, annoy and indanger the Inhabitants. AND forasmuch as several *Sachims* or *Sachamacks*, Kings of the Indian Nations, have, in their Treaties with the Proprietary and Governor, earnestly desired that no *European* should be permitted to carry Rum to their Towns, because of the Mischiefs before expressed. AND since these evil Practices tend to the great Dishonour of GOD, Scandal of the Christian Religion, and Hindrance to the Embracing thereof, as well as drawing the Judgments of GOD upon the Country, if not timely prevented: For the Prevention whereof for the future, BE IT ENACTED by the Authority aforesaid, That if any Person inhabiting in this Province, or others, shall, after the Publication hereof, directly or indirectly sell, barter, give or exchange, by themselves or others, any Rum, Brandy or other Spirits, mix'd or unmix'd, to or with any Indian within Province, and be lawfully convicted thereof, shall, for every such Offence, forfeit *Ten Pounds*, one half to the Use of the County wherein he is convicted, and the other half to the Discoverer and Prosecutor; to be recovered in any Court of Record within this Government, any Law, Usage or Custom to the contrary in anywise notwithstanding.

Ten Pounds
Forfeiture for
selling Rum,
to the Indians.

How to con-
vict the Offen-
ders.

AND WHEREAS it hath been very difficult to prevent this Evil, for Want of Proof against the Offenders, because they privately deal with the Indians, and very often back in the Woods, out of the View of any but themselves: THEREFORE BE IT ENACTED by the Authority aforesaid, That the Evidence of one profess'd Christian, with other probable Circumstances, to the Satisfaction of the Court and Jury, shall be sufficient to convict the Offenders herein.

Rum, &c. car-
ried to their
Towns to be
forfeited.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Rum, Brandy or other strong Liquors, that shall be carried or offered to Sale or Disposal to or at any of the Indian Towns or Habitations, within the Bounds of this Province, the same shall be forfeit, and is hereby declared to be forfeited, one Third to
the

the Governor, and two Thirds to such Person or Persons as shall seize the same. AND all Persons (as well Indians as others) are hereby impowered to seize and secure all such Rum, Brandy, and other strong Liquors, so found at any Indian Towns or Settlements as aforesaid.

AND WHEREAS some Persons in this Province have heretofore taken Match-Coats, Guns, Kettles and other Necessaries of Hunting and Cloathing in Pawn from the Indians; whereby (being disabled to hunt) they have been deprived of a necessary Subsistence: For Prevention whereof for the future, **BE IT ENACTED** by the Authority aforesaid, That no Person within this Province, shall, at any time hereafter, take or receive of any Indian any Pawn whatsoever, for any Rum, Brandy or other strong Liquors, or other Goods, under any Pretence whatsoever, under the Penalty of forfeiting of such Pawn to the Indian or Indians so Pawning the same as aforesaid, over and above the Fine of *Ten Pounds* aforesaid: The said Pawn, forfeited as aforesaid, to be seized by Warrant from the next Justice of the Peace, directed to the Constable of the Place where such Offenders shall live, upon Complaint and sufficient Proof made thereof to him as aforesaid.

No Person to
take any
Pawn of an
Indian:

A N N O R E G N I
A N N Æ
 R E G I N Æ
 Q U A R T O.

At a GENERAL ASSEMBLY begun at *Philadelphiam*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Fourth Year of the Reign of our Sovereign Lady *ANNE*, Queen of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Five, and continued by Adjournments till the Twelfth Day of *January*, then next ensuing : On which Day the following ACTS were passed by *JOHN EVANS*, Esq; Lieutenant Governor under *WILLIAM PENN*, Esq; absolute Proprietary and Governor in chief of the said Province of *Pennsylvania*, &c. That is to say,

C H A P. CVII.
The LAW concerning Liberty of Conscience.
 [See Page 4.]

C H A P. CVIII.

An ACT against Murther and Manslaughter.
 Altered and supplied by the *Act for the Advancement of Justice*, passed the 4 *Georgii*.

C H A P. CIX.

An ACT against Burglary. Supplied by 4 *Georgii*.

C H A P. CX.

An ACT against Robbing and Stealing.
 Supplied by 4 *Georgii*.

C H A P. CXI.

An ACT to restrain People from Labour on the First Day of the Week.

TO the End that all People within this Province may with the greater Freedom devote themselves to religious and pious Exercises, **BE IT ENACTED, &c.** That according to the Example of the Primitive Christians, and for the Ease of the Creation, every First Day of the Week, commonly called *Sunday*, all People shall abstain from Toil and Labour, that whether Masters, Parents, Children, Servants, or others, they may the better dispose themselves to read and hear the Holy Scriptures of Truth at Home, and frequent such Meetings of religious Worship abroad as may best suit their respective Persuasions. And that no Tradesman, Artificer, Workman, Labourer, or other Person whatsoever, shall do or exercise any worldly Business or Work of their ordinary Callings, on the First Day, or any Part thereof (Works of Necessity and Charity only excepted) upon Pain that every Person so offending, shall, for every Offence, forfeit the Sum of *Twenty Shillings*, to the Use of the Poor of the Place where the Offence was committed; being thereof convicted before any Justice, either upon his View, Confession of the Party, or Proof of one or more Witnesses. And the said Justice shall give Warrant, under his Hand and Seal, to the next Constable where such Offence shall be committed, to levy the said Forfeiture or Penalty by Distress and Sale of

Penalty on
 Working up-
 on the First
 Day of the
 Week.

the Offender's Goods and Chattels, rendering to the said Offender the Overplus of the Money raised thereby.

Exception.

PROVIDED ALWAYS, That nothing in this Act contained shall extend to prohibit the Dressing of Vic-tuals in Families, Cooks-Shops or Victualing-Houses, or to Watermen landing their Passengers on the First Day of the Week; nor to Butchers their Killing and Selling of Meat, or Fishermen from selling Fish on the First Day of the Week, in the fourth, fifth and sixth Months, called *June*, *July* and *August*; nor to the Crying of Milk, before Nine of the Clock in the Morning, or after Five in the Afternoon.

No Person to be impeached ten Days after the Offence committed.

PROVIDED ALSO, That no Person shall be impeached, presented or molested for any Offence before-mentioned in this Act, unless he or they be prosecuted for the same within ten Days after the Offence committed.

AND BE IT FURTHER ENACTED

No Writ to be served, except for Treason, &c.

by the Authority aforesaid, That no Person or Persons upon the First Day of the Week, shall serve or cause to be served or executed any Writ, Precept, Warrant, Order, Judgment or Decree, except in Case of Treason, Felony or Breach of the Peace; but that the serving of any such Writ, Precept, Order, Judgment or Decree shall be void to all Intents and Purposes whatsoever: And the Person or Persons so serving or executing the same, shall be as liable to the Suit of the Party grieved, and to answer Damages to him for doing thereof, as if he or they had done the same without any Writ, Precept, Warrant, Order, Judgment or Decree at all.

AND BE IT FURTHER ENACTED

Penalty on Persons who sit Tippling in Taverns, &c. on the first Day of the Week.

by the Authority aforesaid, That all Persons who are found Drinking and Tippling in Ale-Houses, Taverns, or other publick House or Place, on the First Day of the Week, commonly called Sunday, or any Part thereof, shall, for every Offence, forfeit and pay *One Shilling and Six Pence*, to any Constable that shall demand the same, to the Use of the Poor: And all Constables are hereby impowered, and by Virtue of their Office, required to search publick Houses and Places suspected to entertain such Tipplers, and them, when found, quietly to disperse; but in case of Refusal, to bring the Persons so refusing before the next Justice of the Peace, who may commit such Offenders to the Stocks, and bind

bind them to their good Behaviour, as to him shall seem requisite. A N D the Keepers of such Ale-Houses, Taverns, or other publick House or Place, as shall countenance or tolerate any such Practices, being convicted thereof, by the View of a single Magistrate, his own Confession, or the Proof of one or more credible Witnesses, shall, for every Offence, forfeit and pay *Ten Shillings*, to be recovered for the Uses abovesaid.

Penalty on Innholders, &c. suffering Persons to sit Tipling on First-Days.

PROVIDED ALWAYS, That nothing in this Act be construed to prevent Victualing-Houses, or other publick House or Place from supplying the necessary Occasions of Travellers, Inmates, Lodgers, or others, on the First Day of the Week, with Victuals and Drink, in Moderation, for Refreshment only; of which necessary Occasion for Refreshment, as also Moderation, the Magistrate before whom Complaint is made, shall be Judge; any Law, Usage or Custom, in this Province, to the contrary notwithstanding.

Exception:

C H A P. CXII.

An ACT against Rape or Ravishment.
Supplied by 4 Georgii.

C H A P. CXIII.

An ACT against Incest.

FOR the Preventing of incestuous Marriages within this Province, BE IT ENACTED, &c. That all Marriages hereafter made within the Degrees of Consanguinity or Affinity, according to the following Table, are hereby declared to be void, to all Intents and Purposes; and it shall be lawful for the Governor for the time being, to grant a Divorce from the Bond of Matrimony, and the Parties shall be fined to the Value of one third Part of their Estates.

Penalty on Marrying within the Degrees here- in mentioned.

A N D if any Person or Persons shall be convicted of incestuous Fornication or Adultery, he, she or they so convicted, shall suffer such Punishments as are by Law against Fornication and Adultery, and be fined to the Value of one

Imprisonment and Forfeiture on incestuous Fornicators.

one third Part of their Estates; to be paid to the Proprietary and Governor, for the time being, for the Support of the Government and Defraying the contingent Charges thereof.

The Table of Degrees of Consanguinity and Affinity, is as follows, viz.

Degrees of Consanguinity.

A Man may not marry | His Mother.
His Father's Sister.
His Mother's Sister.
His Sister.
His Daughter.
The Daughter of his Son or Daughter.

Degrees of Affinity.

A Man may not marry | His Father's Wife.
His Son's Wife.
His Son's Daughter.
His Wife's Daughter.
The Daughter of his Wife's Son or Daughter.

Degrees of Consanguinity.

A Woman may not marry | Her Father.
Her Father's Brother.
Her Mother's Brother.
Her Brother.
Her Son.
The Son of her Son or Daughter.

Degrees of Affinity.

A Woman may not marry | Her Mother's Husband.
Her Daughter's Husband.
Her Husband's Son.
The Son of her Husband's Son or Daughter.

C H A P. CXIV.

An ACT against Adultery and Fornication.

Penalty on
Committing
Adultery:

FOR the Preservation of Virtue, Chastity and Purity amongst the Inhabitants of this Province, and Prevention of the heinous Sins of Adultery and Fornication, BE IT ENACTED, &c. That if any Person or Persons shall commit Adultery, and be thereof legally convict, such Person or Persons, shall, for the first Offence receive, on his or her bare Back, Twenty-one Lashes, well laid on, at the common Whipping-Post, and suffer Imprisonment for one whole Year, at hard Labour, or be fined

Fifty

Fifty Pounds, one half to the Use of the Governor, and the other Half to the Use of the Poor, at the Election of the Party offending: And the injured Husband or Wife, shall have a Bill of Divorce, from Board and Bed, granted him or her, by the Governor or Lieutenant Governor for the time being, if required, within one Year after Conviction. AND if such Person or Persons shall offend a second time, and shall again be thereof convicted, such Person or Persons shall receive, on his or her bare Back, Twenty-one Lashes at the common Whipping-Post, and be imprisoned *Seven Years* at hard Labour, or pay *One Hundred Pounds* as aforesaid: And for the third, and every Offence after, the same Punishment, and be branded with the Letter A.

AND BE IT FURTHER ENACTED Penalties on Fornicators. by the Authority aforesaid, That if any Person or Persons shall commit Fornication, and be thereof legally convicted, such Person or Persons shall receive Twenty-one Lashes on his or her bare Back, well laid on, at the common Whipping-Post, or otherwise shall forfeit and pay, to the Proprietary and Governor, for the Support of the Government of this Province, and Defraying contingent Charges thereof, the Sum of *Ten Pounds*, at the Election of such Person convicted as aforesaid.

AND BE IT FURTHER ENACTED What shall be Proof. by the Authority aforesaid, That any single or unmarried Woman having a Child born of her Body, the same shall be sufficient Proof to convict such single or unmarried Woman of Fornication; and the Man by such Woman charged to be the Father of such Child, shall be the reputed Father; and she persisting in the said Charge in the time of her Extremity of Labour, or afterwards in open Court, upon the Tryal of such Person so charged, the same shall be given in Evidence, in order to convict such Persons of Fornication.

AND BE IT FURTHER ENACTED A married Woman having a Child in the Absence of her Husband, how to be punished. by the Authority aforesaid, That if any married Woman within this Province shall be convicted of having a Child born of her Body, in the Absence of her Husband, and shall not be able, by credible Evidence, to prove that her Husband has cohabited or been in Company with her, or has been in some of the Queen's Colonies or Plantations on this Continent, betwixt the Eastermost Parts of *New-England* and the Southermost Parts of *North-Carolina*, within
N Twelve-

Twelve-months before the Birth of such Child, such Woman shall be punished as an Adultress.

AND BE IT FURTHER ENACTED

Any Woman bearing a Bastard Child, to be punished in the County where the Child is born, &c.

by the Authority aforesaid, That if an unmarried Woman absenting herself from the Place where she usually lived, shall come into any County within this Government, and there bear a Bastard-Child, she shall be liable to be punished in the County where the said Child is born, as she should or might have been, had the Child been there begotten.

Penalty on Persons entertaining such Women.

And whosoever, within this Government, shall knowingly entertain or shelter any such Woman, without giving Notice thereof to some one Justice of the Peace, within three Days after her coming into his or her House to lodge, shall forfeit *Five Pounds* for every such Offence.

Judgment against such married Woman not to be put in Execution till 12 Months after, &c.

PROVIDED ALWAYS, That the Judgment or Sentence against such married Woman shall not be put in Execution till after the Expiration of Twelve-months, next after such her Condition, and shall remain in Prison during that time, unless she give Security to abide the Judgment. And in case her Husband shall, within the said Term, come and declare, That he had cohabited with his Wife within the said Term of Twelve-months, next before the Birth of the said Child, and own and declare himself to be the Father thereof, Execution shall be stop'd, and the Woman discharged.

AND BE IT FURTHER ENACTED

A Servant Woman having a Bastard Child shall serve, &c.

by the Authority aforesaid, That if any single Woman, being a Servant by Indenture or Covenant, bear a Bastard-Child within the time of her Servitude, she shall serve such further time beyond the Term in her Indenture or Covenant mentioned, as the Justices of the Peace, in their Quarter-Sessions shall think fit, as a Compensation to her Master or Mistress, for the Loss and Damage they had sustained by Reason of her bearing such Bastard in the time of her Servitude; *Provided*, it be not more than two Years, nor less than one.

AND BE IT FURTHER ENACTED

The reputed Father, &c. to maintain the Child.

by the Authority aforesaid, That every Person being legally convicted to be the reputed Father of a Bastard-Child, shall give Security to the Court, Town or Place where such Child was born, to perform such Order for the Maintenance of such Child, as the Justices of the Peace in their Session shall direct and appoint.

CHAP.

C H A P. CXV.

An A C T against Bigamy.

BE IT ENACTED, &c. That whosoever shall be convicted of having two Wives or two Husbands, <sup>How punish-
ed.</sup> at one and the same time, shall be whipp'd on his or her bare Back Thirty-nine Lashes, and be imprisoned during Life, at hard Labour; and the second Marriage shall be void. AND if any Man or Woman, being unmarried, shall knowingly marry the Husband or Wife of another Person, such Man or Woman shall be punished as aforesaid; and the first Wife or Husband of the Person offending against this Act, shall have a Bill of Divorce, from Board and Bed, granted by the Governor for the time being, against the Husband or Wife so offending, if desired, within one Year after Conviction.

C H A P. CXVI.

An A C T against Sodomy and Buggery.
Supplied by 4 Georgii.

C H A P. CXVII.

An A C T against Burning of Houses, &c.
Supplied by 4 Georgii.

C H A P. CXVIII.

*An A C T against Drunkenness and Drinking
of Healths.*

FOR the Discouragement and Punishment of Drunkenness, BE IT ENACTED, &c. That every Person disordering or abusing him or herself with excessive Drinking unto Drunkenness; as also those who are instrumental thereto, by imposing strong Liquors, with drinking Healths, or otherwise, to provoke to the same; and every Person suffering any such Excess in their Houses, being convicted thereof, by one or more credible Witnesses, shall, for the first Offence, pay *Five Shillings*, or suffer five Days Imprisonment, at hard Labour; and for the Second, and every Offence after, *Ten Shillings*, or ten Days Imprisonment as aforesaid.

Punished by
Fine or Im-
prisonment.

C H A P.

C H A P. CXIX.

*An ACT against riotous Sports, Plays and Games.
Repealed.*

C H A P. CXX.

An ACT against Riots and Rioters.

Punished according to the Laws of England.

BE IT ENACTED, &c. That if any Persons, to the Number of three, or more, shall meet together with Clubs, Staves, or any other hurtful Weapons, to the Terror of any the peaceable People or Inhabitants of this Province, and shall commit, or design to commit Violence or Injury upon the Person or Goods of any of the said Inhabitants, and shall be convicted thereof, such Persons shall be reputed and punished as Rioters, according to the Laws of *England*; and such Act of Terror or Violence, or Design of Violence, shall be deemed and accounted a Riot.

C H A P. CXXI.

*An ACT for Limiting the Presentments of
Grand-juries. Repealed.*

C H A P. CXXII.

*An ACT for Determining of Debts under
Forty Shillings. Supplied.*

C H A P. CXXIII.

*An ACT for further securing the Administration
of the Government of this Province. Repealed.*

C H A P. CXXIV.

An ACT for the better Confirmation of the Owners of Lands, and Inhabitants of this Province, in their just Rights and Possessions.

WHEREAS the late King *Charles* the Second, by his Royal Charter to *William Penn*, Proprietary and Governor of this Province, did declare, That the Laws for Regulating and Governing of Property within this Province, for Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattels, should be and continue the same as they should be for the time being by the general Course of the Law in *England*, until the said Laws should be altered by the said *William Penn*, his Heirs or Assigns, and the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

AND WHEREAS divers Laws have been enacted in this Province, that made all Lands and Tenements (without any regard to the Fee-simple, or other Tenures by which they were held) as liable to pay Debts as Chattels, and be taken and sold upon Executions, or by Decrees in Courts of Equity, or to be sold by such Executors as had no Power by their Testators Wills for so doing, and in certain Cases to be sold by Administrators, as also to be divided, allotted and distributed amongst the Widows and Children of Intestates. In Pursuance of which Laws divers Lands, Tenements and Hereditaments in this Province have been sold, delivered, assigned, allotted or distributed accordingly. Now, to the End that those Sales, Deliveries, Assignments and Allotments, or Distributions, may have Effect according to the Tenor and true Meaning of the said Laws, and that the Possessors and Owners of the said Lands and Hereditaments so sold, delivered, assigned and distributed, and their Heirs and Successors may quietly, have, hold and enjoy the same;

BE IT ENACTED, &c. That all and singular the Bargains and Sales being made, *bona fide*, and for valuable Consideration, as all Assignments, Grants and Allotments or Distributions made to any Person or Persons whatsoever, of any Lands, Tenements or Hereditaments, in this Province, according to the Tenor and Direction, or the true

All Bargain Sales, &c. made according to the Tenor of sundry Laws, &c. are declared good.

And every
Person claim-
ing by the
said Laws,
&c. shall qui-
etly enjoy,
&c.

Saving never-
theless to all
Persons, &c.

Intent and Meaning of the said Laws in those Cases made and provided, shall be, and are hereby declared to be good and effectual, and shall stand and be taken, deemed and adjudged good, sure and available in Law, against all Persons whatsoever, according to the Tenor and Effect of the same Bargains, Sales, Assignments, Grants and Allotments or Distributions; and that every Person or Persons, Bodies politick and corporate, their Heirs and Successors, and all claiming by, from or under them, or any of them, for and according to their, and every of their several Estates and Interests of, in and to the said Lands, Tenements and Hereditaments, with their Appurtenances, so as aforesaid sold, delivered, assigned or allotted, shall and may quietly or peaceably have, hold and enjoy the same Lands, Tenements, Hereditaments and Premises, and every Part thereof, against all and every Person and Persons, their Heirs and Assigns, having, claiming or pretending to have any Estate, Right, Title, Interest, Claim or Demand whatsoever, of, in, or to the same: **SAVING NEVERTHELESS,** To all and every Person and Persons, Bodies politick and corporate (others than to the Person or Persons for Payment of whose Debts, and Maintenance of whose Widows and Children, any of the said Lands, Tenements, Hereditaments have been sold, delivered or conveyed as aforesaid, and his and their Heirs; and others than to the Heirs at Law of the said Intestates, or any claiming under them, who shall attempt to avoid or annul the said Divisions, Allotments or Distributions which have been made of the said Intestates Lands and Hereditaments amongst their Widows and Children by Virtue or in Pursuance of the said Laws) all such Actions, Estates, Possessions, Rights, Titles, Interests, Rents, Profits and Demands, as they or any of them have, shall, may or ought to have of, in or to all or any the said Lands, Tenements and Hereditaments, or any Part thereof, in such Manner and Form as if this Act had never been made: *So that* they do pursue their said Rights, Titles, Claims and Interest, by Way of Action or lawful Entry, before the first Day of *October*, which will be in the Year of our LORD, *One Thousand Seven Hundred and Ten.*

Lands, &c.
which have
been distribu-
ted according
to these Laws
shall be held
by the Parties
as Tenants in
common.

PROVIDED ALWAYS, That all and every the Widows and Children of Intestates, to or amongst whom any Lands, Tenements and Hereditaments have been allotted or distributed by Virtue of the said Laws, and all and every Person and Persons to whom any Parts or Purparts of Lands, Tenements or Hereditaments have, as aforesaid, been,

been, or hereafter shall be sold or delivered upon Executions, shall hold and enjoy their said respective Parts, Purparts or Allotments, in Severality, or as Tenants in common, and not as Joint-Tenants.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That no Deed, Grant, Conveyance or Assurance heretofore made of any Lands, Tenements or Hereditaments whatsoever, shall be judged or taken to be defective, avoided or prejudiced, for or by Reason of any Want of Form, or formal or orderly Parts of a Deed, as, *the Premisses, Habendum, Tenendum, Reddendum, the Clause of Warranty, the Conclusion, In Witnesses whereof, and Date, or for Mis-naming, Mis-recital or Non-recital of any of the said Lands or Hereditaments, or for Mis-recital or Non-recital or not mentioning, or not true mentioning of the Grantor's Estates, of, in, or to the Premisses, or for Want of Livery and Seisin or Attournment, or Proofs of the Consideration-Money actually paid, or for not producing in Court, upon Tryal, any of the Deeds or Grants recited in the said Conveyances, or for not being recorded in the Rolls-Office :* But that all and every the said Deeds, Grants and Conveyances, Releases and Assurances shall be and are hereby declared and enacted to be good and available in Law, and shall be expounded as the Law of this Province was when they were made, and shall conclude all Strangers, as well as Privies to the same ; *Saving to every Person and Persons, other than to the said Grantors, their Heirs and Successors, all such Rights, Titles, Estates, Claims and Interests as they or any of them had, or ought to have, of, in or to the said Lands, Tenements and Hereditaments, or any Part thereof, at the time when such Deeds or Conveyances were sealed and delivered, so as they do pursue their said Rights, Titles, Claims or Interests by Way of Action or lawful Entry, before the first Day of October, which will be in the Year of our LORD, One Thousand Seven Hundred and Ten.*

No Deed to be avoided for Want of Form, &c.

Or Livery and Seisin, &c.

But are declared to be good notwithstanding.

Saving to all Persons such Rights, &c.

C H A P. CXXV.

An ACT concerning the Probates of written and nuncupative Wills, and for confirming Devises of Lands.

Wills proved in this Province,

Or proved in the Chancery in England, &c. and the Copy and Probate transmitted hither, &c. shall be good, &c.

And the Copies of all Wills, &c. under the Seal's of, &c. where the same was taken, are to be taken and deemed Matter of Record.

BE IT ENACTED, &c. That all Wills in Writing, wherein or whereby any Lands, Tenements or Hereditaments, within this Province, have been, are or shall be devised, being proved by two or more credible Witnesses, upon their solemn Affirmation, or by other legal Proof, in this Province; or being proved in the Chancery in England, and the Bill, Answer and Depositions transmitted hither, under the Seal of that Court, or being proved in the *Hustings* or Mayor's Court in London, or in some Mannor-Court, or before such as have or shall have Power in England, or elsewhere, to take Probates of Wills and grant Letters of Administration, and a Copy of such Will, with the Probate thereof annexed or endorsed, being transmitted hither, under the publick or common Seal of the Courts or Offices where the same have been or shall be taken or granted, and recorded or entered in the Register-General's Office in this Province; shall be good and available in Law, for the granting, conveying and assuring of the Lands or Hereditaments thereby given or devised, as well as of Goods and Chattels thereby bequeathed; and that the Copies of all Wills and Probates, under the publick Seals of the Courts or Offices where the same have been or shall be taken or granted respectively (other than Copies or Probates of such Wills as shall appear to be annulled, disproved or revoked) shall be judged and deemed, and are hereby declared and enacted to be Matter of Record, and shall be good Evidence to prove the Gift or Devise thereby made; and that all such Probates, as well as all Letters of Administration granted out of this Province, being produced here under the Seals of the Courts or Offices granting the same, shall be as sufficient to enable the Executors or Administrators, by themselves or Attornies, to bring their Actions in any Court within this Province, as if the same Probates or Letters Testamentary or Administrations were granted here and produced under the Seal of the Register-General's Office of this Province.

PROVIDED ALWAYS, That if any of the Wills (whereof Copies or Probates shall be so as aforesaid produced and given in Evidence) shall, within seven Years after the Testator's Death, appear to be disproved or annulled before any Judge or Officer, having Conusance thereof, or shall happen to be revoked or altered by the Testator, either by a latter Will or Codicil in Writing, duly proved as aforesaid; that then and in every such Case, it shall and may be lawful for the Party aggrieved, or his or their Heirs, Executors or Assigns, to have their Action for what shall be taken or detained from them by Occasion of such Wills, or have their Writ or Writs of Error for Reversing the judicial Proceedings thereupon, as the Case shall require, any thing herein contained to the Contrary notwithstanding.

If any Will shall happen to be revoked or altered, the Parties aggrieved may have their Action, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That from henceforth no nuncupative Will be good where the Estate thereby bequeathed shall exceed the Value of *Thirty Pounds*, that is not proved by two or more Witnesses, who were present at the making thereof, nor unless it be proved that the Testator at the time of pronouncing the same, did bid the Persons present, or some of them, bear witness, That such was his Will, or to that Effect, nor unless such nuncupative Will be made in the time of the last Sickness of the Deceased, and in the House of his or their Habitation or Dwelling, or where he or she hath been Resident for the Space of ten Days, or more, next before the Making of such Will, except where such Person was surprized or taken sick, being from his own Home, died before he returned to the Place of his or her Dwelling.

Sundry Cases where a nuncupative Will is, and is not good.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That after six Months past after speaking of the pretended testamentary Words, no Testimony shall be received to prove any Will nuncupative, except the said Testimony, or the Substance thereof, were committed to Writing within six Days after the Making of the said Will.

AND BE IT ENACTED by the Authority aforesaid, That no Letters Testamentary or Probate of any nuncupative Will shall pass the Seal of the Register-General's Office, in the respective Counties of this Province, till fourteen Days, at the least, after the Death of the Testator be fully expired; nor shall any

Nuncupative Will not to pass the Seal, &c. within 14 Days.

nuncupative Will be at any time received to be proved unless Process be first issued out to call in the Widow or next of Kindred to the Deceased, to the End they may contest the same if they please.

AND BE IT FURTHER ENACTED

No written Will to be altered, &c. by Words only, except, &c.

by the Authority aforesaid, That no Will in Writing concerning any Goods or Chattels, or personal Estate, shall be repealed, nor shall any Clause, Devise or Bequest therein be altered or changed by any Words or Will by Word of Mouth only, except the same be in the Life of the Testator committed to Writing, and after the Writing thereof read unto the Testator, and allowed by him, and proved to be so done by two or more Witnesses.

Any Mariner, &c. being absent, may dispose of his personal Estate, &c.

PROVIDED ALWAYS, That notwithstanding this Act, any Mariner or Person being at Sea, or Soldier, being in actual military Service, may dispose of his Moveables, Wages and personal Estate, as he or they might have done before the Making of this Act.

AND BE IT FURTHER ENACTED

A Register-General constituted, and to keep his Office in *Philadelphia*; and shall appoint a Deputy in each County, &c.

by the Authority aforesaid, That there shall be an Officer, called Register-General, to be commissioned by the Governor from time to time, for the Probate of Wills and granting Letters of Administration in this Province; which Register-General shall keep his Office at *Philadelphia*, and shall, from time to time, constitute a sufficient Deputy to officiate for him in each of the other Counties of this Province; who, being by him deputed, shall be and are by this Act impowered to take Probates of Wills, and grant Letters of Administration in the respective Counties, as fully and amply as the Register-General himself ever could, or can do, according to the Powers granted by the Royal Charter of the late King *Charles* the Second. Which Deputies shall have and use a common Seal, to be provided at the Charge of the respective Counties where they serve, with the like Inscriptions as is or shall be upon the Receiver-General's Office at *Philadelphia*. *Provided*, That no Person who shall prove any Will, or take Letters of Administration, in any one of the Counties of this Province, shall be obliged to prove the same Will, or take Letters of Administration in any other of the said Counties, wherever such Testator's or Intestate's Estates may lie or be. But before any Register-General, or his Deputies shall enter upon their respective Offices, they shall be duly qualified, either before the Governor

No Person obliged to prove Wills, or take Letters of Administration in more than one County.

Governor, or the Orphans-Court of the County where they respectively officiate. And every Register-General, and every of his Deputies, shall find one or more sufficient Sureties with himself, to become bound to the Governor for the time being, in a Bond of *Two Hundred Pounds*, for the true and faithful Execution of his Office, and for the Delivering up the Records, and other Writings belonging to the said Office, by him, his Heirs, Executors and Administrators, to his Successor in the said Office, whole and undivided; which said Bond shall be recorded in the Orphans-Court, and be kept by one of the Justices of the said Court, as the Majority of the Justices for the time being shall order; to be made use of for making Satisfaction to the Parties that shall be damaged or aggrieved, as is, or shall be directed by the Laws of this Province in such Cases. AND if the Register-General, or his Deputies, or any of them shall officiate in the said Office before he hath given such Security, or if the Register-General for the time being, shall refuse or neglect to constitute a Deputy-Register in each County, according to the Direction of this Act, then and in every such Case he or they so offending shall forfeit the Sum of *Two Hundred Pounds*, to be recovered in any Court of Record in this Province; and the one Half thereof shall go to the Governor, for Support of Government, and the other Half to him or them that shall sue for the same.

The Register-General, and his Deputies to be qualified; how and when; and shall give 200*l.* Security.

If the Register-General, or his Deputies, shall act without giving security, or he refuse to constitute Deputies, he or they shall forfeit 200*l.*

C H A P. CXXVI.

An ACT directing the Order of Payment of Debts of Persons deceased.

FOR the Preventing Disputes and Contests at Law, or otherways concerning the Order of Payment of Debts of Persons deceased, within this Province, BE IT ENACTED, &c. That all Debts owing by any Person within this Province, at the time of his or her Decease, shall be paid by his or her Executors or Administrators (so far as they have Assets) in Manner and Order following, That is to say, *First*, Physick and Funeral Expences: *Secondly*, Debts and Duties to the Queen: *Thirdly*, Debts due to the Proprietary and Governor: *Fourthly*, Judgments: *Fifthly*, Debts due by Recognizances: *Sixthly*, Rents: *Seventhly*, Obligations, Bills penal, and protested Bills

The Manner and Order for the same.

Bills of Exchange: *Eighthly*, Single Bills: *Ninthly*, Servants and Workmen's Wages: *Tenthly*, Merchants and Traders Book-Debts, and Promises by Word, Arrears of Accounts, and such like. Which said Payments shall be good and available in Law against all Persons whatsoever.

Twelve-
Months after
the Parties de-
cease, no Pri-
ority of Debts,
&c.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That nothing in this Act contained shall prevent or damnify any Executors or Administrators for discharging the Decedent's just Debts, as the same shall come to his, her or their Knowledge, without Regard to the Priority of the same, in Payment, after the Expiration of Twelve-Months from the time of the said Decedent's Decease.

C H A P. CXXVII.

An A C T for the better Settling of Intestates Estates.

Every Admi-
nistratoꝛ to
give Bond,
&c.

BE IT ENACTED, &c. That the Register-General and his Deputies, having Power to grant Letters of Administration of the Goods and Chattels of Persons dying Intestate, within this Province, shall, upon their granting such Letters of Administration, take sufficient Bonds, with two or more able Sureties (respect being had to the Value of the Estate) in the Name of the Register-General, with the Condition in Manner and Form following, *mutatis mutandis*, viz.

With Condi-
tion, &c.

THE Condition of this Obligation is such, That if the within Bounden A. B. Administrator of all and singular the Goods, Chattels and Credits of C. D. deceased, do make or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits of the said Deceased, which have or shall come to the Hands, Possession or Knowledge of him the said A. B. or unto the Hands and Possession of any other Person or Persons for him; and the same, so made, do exhibit, or cause to be exhibited into the Register's Office, in the County of ----- at or before the ----- Day of ----- next ensuing; and the same Goods, Chattels and Credits of the said Deceased, at the time of his Death, or which at any time after shall come to the Hands or Possession of the said A. B. or into the Hands and Possession of any other Person or Persons for him, do well and truly administer

administer according to Law: And further, do make or cause to be made a true and just Account of his said Administration, at or before the-----Day of----- And all the Rest and Residue of the said Goods, Chattels and Credits which shall be found remaining upon the said Administrator's Account (the same being first examined and allowed of by the Orphans-Court of the County where the said Administration is granted) shall deliver and pay unto such Person or Persons respectively, as the said Orphans-Court, in the respective County, by their Decree or Sentence, pursuant to the true Intent and Meaning of this Act, shall limit and appoint. And if it shall hereafter appear that any last Will and Testament was made by the said Deceased, and the Executor or Executors therein named do exhibit the same into the Register's Office, making Request to have it allowed and approved accordingly: If the said A. B. within bounden, being thereunto required, do render and deliver the said Letters of Administration (Approbation of such Testament being first had and made in the said Register's Office) Then this Obligation to be void and of none Effect, or else to remain in full Force and Virtue.

WHICH Bonds are hereby declared and enacted to be good, to all Intents and Purposes, and pleadable in any Courts of Justice; and also, that the said Orphans Court, in the respective Counties, shall and may, and are hereby enabled to proceed and call such Administrators to Account for and touching the Goods of any Person dying Intestate; and upon Hearing, and due Consideration thereof, to order and make just and equal Distribution of what remaineth clear (after all Debts, Funeral, and just Expences of every Sort, first allowed and deducted) amongst the Wife and Children, and Children's Children (if any such be) or otherwise to the next of Kindred to the dead Person, in equal Degree, or legally representing their Stocks, to every one his Right, according to the Laws in such Cases, and to the Rules and Limitations hereafter set down: And the same Distributions to decree and settle, and to compel such Administrators to observe and pay the same, by the due Course of the Laws of this Province: Saving to every one (supposing him or themselves aggrieved) their Right of Appeal to the Provincial or Supreme Court of this Province.

And render Account to Orphan's Court.

Who shall make Distribution of the Estate after Debts, &c. are discharged, in this Manner.

Saving to every one their Right of Appeal.

PROVIDED ALWAYS, That the said Orphans Court in each County, which is by this Act enabled to make Distribution of the Surplusage of the Estate of any Person dying Intestate, shall distribute the whole

The Manner and Form how Distributions shall be made.

Surplusage of such Estate or Estates in Manner and Form following, *That is to say*, One third Part of the said Surplusage to the Wife of the Intestate, and all the Residue, by equal Portions, to and amongst the Children of such Persons dying Intestate (allowing the eldest Son two Shares :) And to such Persons as shall legally represent such Children, in case any of the said Children be then dead (other than such Child or Children who shall have any Estate by the Settlement of the Intestate, or shall be advanced by him in his Life-time, by Portion or Portions, equal to the Share which shall, by such Distribution, be allotted to the other Children) to whom such Distribution is to be made. And in Case any Child who shall have any Estate by Settlement from the Intestate, or shall be advanced by the said Intestate in his Life-time by Portion not equal to the Share which will be due to the other Children by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or where advanced in the Life-time of the Intestate, as shall make the Estate of all the said Children to be equal as near as can be estimated, the eldest Son being allowed two Shares as aforesaid. And in case there be no Children, nor any legal Representatives of them, then one Moiety of the said Estate to be allotted to the Wife of the Intestate, and the Residue of the said Estate to be distributed equally to every of the next Kindred of the Intestate, who are in equal Degree to those who legally represent them. *Provided*, That there be no Representatives admitted amongst Collaterals after Brothers and Sisters Children. And in case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children, the eldest Son to have two Shares as aforesaid. And in case there be no Child, then to the next of Kindred, in equal Degree of or unto the Intestate, and their legal Representatives as aforesaid, and in no other Manner whatsoever.

No Distribution to be made till one Year after the Death of the Intestate, and then to give Bond to refund, &c.

PROVIDED ALSO, And to the End that a due Regard be had to Creditors, that no such Distribution of the Goods of any Person dying Intestate be made till after one Year be fully expired after the Intestate's Death. And that such and every one to whom any Distribution and Share shall be allotted, shall give Bond, with sufficient Sureties, in the said Orphans-Court, that if any Debt or Debts truly owing by the Intestate shall be afterwards sued for and

and recovered, or otherwise duly made to appear, that then, and in every such case, he or she shall respectively refund and pay back to the Administrator his or her rateable Part of that Debt or Debts, and of the Costs of Suit and Charges of the Administrator, by reason of such Debts, out of the Part or Share to as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts so discovered, after the Distribution made as aforesaid.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That in all Cases where the Register-General hath used heretofore to grant Administration, with a Testament annexed, he shall continue so to do; and the Will of the Deceased, in such Testament expressed, shall be performed and observed in such Manner as it should have been if this Act had never been made.

Administration to be granted, with the Testament annex'd as usual.

PROVIDED ALSO, That all such of the Intestate's Relations, and Persons concerned, who shall not lay legal Claim to their respective Shares within seven Years after the Decease of the Intestate, shall be debarred from the same forever.

No Claim to be good after seven Years.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall die Intestate, being Owners of Lands or Tenements within this Province at the time of their Death, and leave lawful Issue to survive them, but not a sufficient personal Estate to pay their just Debts and maintain their Children, in such case it shall be lawful for the Administrator or Administrators of such Decedents to sell and convey such Part or Parts of the said Lands or Tenements, for Defraying their just Debts, Maintenance of their Children, and for putting them Apprentices, and Teaching them to read and write, and for Improvement of the Residue of the Estate (if any be) to their Advantage, as the Orphans-Court of the County where such Estate lies, shall think fit to allow, order and direct, from time to time.

Lands, &c. of Intestates may be sold for Payment of Debts, &c. as the Orphans-Court shall direct.

PROVIDED ALWAYS, That no Lands or Tenements, contained in any Marriage Settlement, shall, by Virtue of this Act, be sold or disposed, contrary to the Form and Effect of such Settlement; nor shall any Orphans-Court allow or order any Intestate's Lands or Tenements

Except Marriage-Settlements.

But not till the Administrator exhibits an Inventory, &c.

And then how the Orphan's Court shall proceed and order, &c.

ments to be sold, before the Administrators, requesting the same, doth exhibit one or more true and perfect Inventories and conscionable Appraisements of all the Intestate's personal Estate whatsoever, as also a just and true Account, upon his or her solemn Affirmation, of all the Intestate's Debts which shall be then come to his or her Knowledge; and if thereupon it shall appear to the Court that the Intestate's personal Estate will not be sufficient to pay the Debts and maintain the Children until the Eldest of them attains to the Age of Twenty-one Years, or to put them out to be Apprentices, and teach them to read and write, then, and in every such case, and not otherwise, the Court shall allow such Administrator to make publick Sale of so much of the said Lands, as the Court, upon the best Computation they can make of the Value thereof, shall adjudge necessary for the Purposes aforesaid, reserving the Mansion-House and most profitable Part of the Estate till the last. But before any such Sale be made, the Court shall order so many Writings to be made by the Clerk, upon Parchment or good Paper, as the Court shall think fit, to signify and give Notice of such Sales, and of the Day and Hour when, and the Place where the same will be, and what Lands are to be so sold, and where they lie; which Notice shall be delivered to the Sheriff or Constables, in order to be fixed in the most publick Places of the County or City, at least ten Days before the Sale; and the Sheriffs or Constables are hereby required to make Publication accordingly; and the Administrator that makes such Sale, shall bring his or her Proceedings therein to the next Orphans-Court after the Sale made. AND if it shall happen that any Lands be sold by Virtue of this Act for more than the Court's Computation of the Value thereof, then the Administrator shall be accountable for the same, as by this Act is required for Intestate's personal Estates.

And how the Administrator.

AND BE IT FURTHER ENACTED

And the Surplusage of Lands, &c. not sold, &c. to be divided amongst, &c.

by the Authority aforesaid, That the Surplusage or remaining Part of the Intestate's Lands, Tenements and Hereditaments not sold or ordered to be sold by Virtue of this Act, and not otherwise limited by Marriage-Settlement, shall be divided between the Intestate's Widow and Children, or the Survivors of them, who shall equally inherit and make Partition as Tenants in common may or can do. But if the Intestate leaves a Widow and no Child, then such Widow or Relict shall inherit one Moiety, or half Part of the said Lands and Tenements, and the other

In what Method, and to whom.

Moiety

Moiety shall descend and come to the Intestate's next Heir, according to the Course of the common Law. But if the Intestate leaves no Widow nor Child living at the time of his Death, or if the Children all die in their Minority, without Issue, then the said Lands and Tenements shall descend and come to the Intestate's Heir at Law, according to the Course aforesaid. But if any of the Intestate's Children dying before the Intestate, shall leave lawful Issue, such Issue shall equally inherit the Intestate's Lands and Tenements, with their Uncles or Aunts, and make Partition as aforesaid.

PROVIDED ALWAYS, That no Widow or Child of any Intestate having so much Land by Settlement from the said Intestate, as by the said Court's Computation of the Value thereof, shall be equal to the Share or Purpart of the Intestate's Lands, which by this Act are to be allotted to any of the other Children in Manner aforesaid; then such Widow or Child, so provided for, shall have no Share of the said Surplusage of the Intestate's other Lands. But if the Value of the Lands, so settled by the Intestate, shall not, by the Computation aforesaid, amount to an equal Share, then the said Court shall allot to the Party so much of the said other Land as shall make the Shares or Estate of the Widow, and all the said Children, equal, as near as can be estimated, the eldest Son having a double Share as aforesaid.

The Widow or Child of any Intestate being provided for, &c. to have no Share of the Surplusage, &c.

PROVIDED ALSO, That nothing in this Act contained shall give any Widow a Right or Claim to any Part of such Lands or Tenements for her Dower or Thirds, as shall yield yearly Rents or Profits whereof her Husband died seized, for any longer time than the Term of her natural Life; which Dower she shall hold as Tenants in Dower do in *England*. And the said profitable Lands or Tenements, and the unimproved or rough Land next adjacent thereto, shall not be sold but for Payment of the Intestate's Debts.

The Widow to have no Claim to Lands but *durante vita*.

PROVIDED ALSO, That no Partition of the Lands or Tenements which are to be divided by this Act, shall be made by or for the Relict or younger Children of the Intestate, if the Heir at Law will, within the Space of Twelve-months, pay so much Money, or other Effects, to the Person or Persons demanding such Partition, as their respective Shares or Purparts shall amount unto, by the

No Partition to be made of Lands if the Heir at Law will pay the respective Shares.

And then the
Heir shall en-
joy the same.

Valuation of four or more Persons indifferently chosen by both Parties, or by an Inquest appointed by the Orphans-Court, to value the same, where the Parties cannot otherwise agree. And the Person or Persons (whether Minors or others) to whom or for whose Use Payment or Satisfaction shall be made for their respective Purparts, by the Heir at Law, in Manner aforesaid, shall be forever debarred of all the Right, Title and Demand which he or they can or may have of, in or to such Share or Purparts, by Virtue of this Act; but the same shall be held and enjoyed by the Heir at Law, as freely and fully as the Intestate held the same.

And if the
Intestate have
no Kindred
his Lands,
&c. shall es-
cheat to the
Landlord,
&c. and his
Goods, &c. to
the Proprietary,
&c.

AND in case such Intestate shall have no known Kindred, then all his Lands, Tenements and Hereditaments shall escheat or go to the immediate Landlord of whom such Lands are held, his Heirs and Assigns; and if immediately held of the Proprietary, then to the Proprietary, his Heirs and Assigns; and all the Goods, Chattels and personal Estate whatsoever of such Person dying intestate, and without Kindred as aforesaid, shall go to the Proprietary and Governor, his Executors or Administrators. But if any of the said Intestate's Relations shall appear and make their Claims to such Intestate's personal Estate within seven Years after the Decease of the Intestate, they shall be restored thereunto.

But if the
Heir at Law
to such Lands
shall appear
in 21 Years,
he may recover the same.

AND if the lawful Heir to any such Lands or Tenements shall at any time, within Twenty-one Years, after the Intestate's Decease, appear, he may traverse the Inquisition or Office found for the Land so escheated, and recover the same, paying the Lord or Person in Possession for the Improvements made thereupon, according to the Valuation of twelve Men.

C H A P. CXXVIII.

An ACT for the Acknowledging and Recording of Deeds. Repealed.

C H A P. CXXIX.

An A C T to ascertain the Number of Members of Assembly, and to regulate the Elections.

BE IT ENACTED, &c. That for the Well-governing of this Province, there shall be an Assembly yearly chosen, and for that End it shall and may be lawful to and for the Freemen and Inhabitants of the City of *Philadelphia*, as also for the Freemen and Inhabitants of the respective Counties of this Province, without any Writ or Summons, to meet on the First Day of *October* yearly, forever, at the most usual Place of Elections in the said respective Counties, *That is to say*, For the City and County of *Philadelphia*, in or near the present Market-Place in the said City; and for the County of *Bucks*, upon the Court-House Ground in the Town of *Bristol*; and for the County of *Chester*, at or near the Court-House in the Town of *Chester*; and then and there choose their Representatives or Delegates, to serve them in Assembly, which shall consist of not less than two Persons for the said City of *Philadelphia*, and eight Persons for each County of this Province; or a greater Number, as the Governor and Assembly shall at any time hereafter agree.

The Freemen and Inhabitants to meet on the first Day of *October* yearly to choose Representatives, *viz.*

Two for *Philadelphia*, and eight for each County.

A N D that the Members, so to be, shall meet and sit in Assembly on the Fourteenth Day of *October*, yearly, forever, at the City of *Philadelphia*, unless the Governor and Council, for the time being, shall see cause to appoint another Place, within this Province, to sit at. But when any of the said Days of Elections or Meeting of Assembly shall happen to fall on the first Day of the Week, called *Sunday*, then such Election and Meeting shall be the next Day following.

Who shall sit in Assembly on the 14th Day of *October*, at *Philadelphia*. Except.

PROVIDED ALWAYS, That no Inhabitants of this Province shall have Right of Electing, or being elected as aforesaid, unless he or they be natural-born Subjects of *England*, or be naturalized in *England*, or in this Government, and unless such Person or Persons be at the Age of Twenty-one Years, or upwards, and be a Freeholder or Freeholders in this Province, and have fifty Acres of Land, or more, well seated, and twelve Acres thereof, or more, cleared and improved, or be otherwise worth *Fifty Pounds*, lawful Money of this Province, clear Estate, and have been resident therein for the Space of two Years before such Election.

Who is qualified to elect or be elected in the Counties.

A N D

And who in
the City of
Philadelphia.

Penalty.

Buying of
Votes or offer-
ing to serve
for nothing, is
5 l. Penalty.

The Method
and Manner
how the said
Elections are
to be made
and carried
on.

Vide, 13 of
King George.

The Qualifi-
cation of the
Clerks who
take the Poll.

A N D to the End that Elections, upon which the Good of the Government so much depends, may not be corruptly managed or obtained, B E I T E N A C T E D by the Authority aforesaid, That all the Elections of the said Representatives shall be free and voluntary, by Persons having Estates and being qualified as aforesaid, in the respective County or Counties for which he or they shall elect or be elected; *Provided*, that the Electors and Electd for the said City of *Philadelphia*, shall have a Freehold Estate, or be worth *Fifty Pounds*, clear, personal Estate within the same City, and be otherwise qualified as aforesaid. And that the Elector who is not so qualified as aforesaid, or that shall receive any Reward or Gift for his Vote, shall forfeit his Right of Electing for that Year, and shall pay the Sum of *Five Pounds*, one Half thereof to the Governor, and the other Half to him or them that shall sue for the same in any Court of Record within this Province.

A N D that he or they who shall give, offer or promise any Reward to be elected, or shall offer to serve for nothing, or less Allowance than the Law prescribes, shall forfeit *Five Pounds*, the one Half thereof to the Governor, and the other to him or them that will sue for the same, in Manner aforesaid, and be incapable to serve for that Year.

A N D B E I T F U R T H E R E N A C T E D by the Authority aforesaid, That every Sheriff, or in his Absence, his Under-Sheriff, or such as he shall depute, or for Want of such Deputation, the Coroner, or such as he shall appoint, or for Want of such Appointment, any two of the Freeholders, who by the major Part of the Electors then and there present, shall be nominated and appointed Judges of the said Elections in the Absence of the Sheriff or Coroner, shall attend at the said Elections, and shall appoint such Number of Clerks for taking the Poll or Votes of the Electors, as the Inspectors hereafter-mentioned shall appoint; who shall all take their said Poll or Names of the Electors in the Presence of the said Sheriff, Coroner or other Judges, so nominated as aforesaid, or such as any of them, shall depute or appoint, and shall make as many distinct Columns, on fair Paper, as there shall be Candidates voted for, as is herein after express'd; but before they begin every Clerk so appointed shall, by the said Sheriff or Coroner, or by some Magistrate then present, be attested or charged upon his solemn Affirmation, *Truly and indifferently to take the said Poll, and set down the Names of each Freeholder* and

and Elector and the Place of his Freehold or Estate, and to poll no Elector, who is not attested, if so required by the Inspectors of such Clerks. Which Inspectors are to be nominated by the major Part of the Electors as aforesaid.

AND every Person coming to elect Members for the City of *Philadelphia*, and also every Person coming to elect Members for the said respective Counties, shall deliver in Writing the Names of those Persons for whom they vote, to the Sheriff, or some other of the said Persons so as aforesaid appointed Judges of the said Elections, who shall open the Paper, if the Elector be illiterate, and read the Persons Names contained therein, ask such Electors, Whether these are the Persons for whom he votes? Which Paper, upon his Affirmative, shall be received and put with the rest of the Electors Papers in a Box, which every Sheriff is hereby required to provide for that Purpose.

Vide, County
Levy-Act of
11th of King
George I.

BUT if the Elector brings no such Paper or Ticket, or if the illiterate Elector will not vote for the Persons contained in his Paper, then and in all such Cases the Elector shall verbally give in the Names of the Persons he mostly desires should be chosen, which Names shall be entered down by the said Clerks.

PROVIDED ALWAYS, That every Elector, before he be admitted to Poll (if required by any of the said Inspectors) shall, upon his solemn Affirmation declare, That he is *Twenty-one Years of Age*, and a *Freeholder for the County of-----* and has *fifty Acres of Land*, or more, well seated, and *twelve Acres thereof*, or more, cleared: Or, That he is otherways worth *Fifty Pounds*, Money of this Province, clear Estate, and hath been resident therein for the Space of two Years, and that he has not been before polled at that Election.

The Qualifi-
cation of the
Electors.

AND in case any Person, taking the said Affirmation, shall be lawfully convicted of wilfully and corruptly making a false Affirmation therein, or if any shall suborn any Person to take such false Affirmation, he or they shall incur the same Penalties and Forfeiture as by the Laws and Statutes of *England* are provided against Persons convicted of wilful and corrupt Perjury, and Subornation of Perjury respectively.

Penalty of
making a false
Affirmation.

AND that the said Poll shall not be delayed, nor the Election adjourned to another Place or Part of the County, other

The Poll not
to be delayed
or adjourned,

And when the Poll is over, how to be cast up, &c.

other than where the same begins, but shall continue from Day to Day till the Freeholders and Electors then and there present shall be polled, and no longer. And when all the Electors then appearing shall have delivered in all their Papers or Names, the said Box shall be opened by the Sheriff, or some other of the Persons appointed by this Act to officiate as Judges of the said Elections, and the said Papers taken out in the Presence of the said Inspectors, and delivered, one by one, to the said Clerk or Clerks to enter the Names therein express'd in fair Columns, or otherwise, so that they shall cast up how many Times each Person's Name is repeated in the same, and set it down; and shall then pronounce publicly to the People, him whose Name is ofteneft mentioned in the said Papers to be first elected, and so the next highest Number successively until the whole eight Persons for the County be pronounced elected by Majority as aforesaid. And the same Method shall be used concerning the two Members to be elected for the City of *Philadelphia*.

Any Deceit in a Ticket, the same to be rejected.

BUT if, when the said Papers are opened, there appears more Names in any one of them, or more than one Paper deceitfully folded together, containing more Names than by this Act is allowed any one Elector to vote for, such Papers shall be rejected, and not accounted amongst the Votes.

The Names of the Representatives to be written in Indentures, &c.

AND after the said Representatives are so chosen as aforesaid, their Names (be they present or absent) shall be written in a Pair of Indentures, sealed, between the said Sheriffs, or other Persons officiating as Judges of the said Elections, and six, or more, of the said Choosers.

One of which Indentures to be delivered to the Governor, and the other to the House.

AND every Sheriff, or other Person, officiating as Judges of the said Elections, shall, on the first Day of the Meeting of every Assembly, in Person, or by Deputy, present one Part of the said Indentures to the Governor for the time being, and the other Part thereof to the House of Representatives: Which said Indentures shall be deemed and taken to be the Sheriff's Return of the Representatives or Delegates of the Freemen of this Province, to serve and act in the Legislative or General-Assemblies of the same Province from time to time. And the Representatives so as aforesaid chosen shall yield their Attendance accordingly.

AND

A N D if any Person or Persons so chosen and returned to serve as aforesaid, shall be absent from the Service for which he or they shall be so elected, he or they shall forfeit any Sum not exceeding *Ten Pounds*, current Money; the one Half thereof to the Governor, and the other Half to him or them that shall sue for the same in Manner aforesaid; unless his or their Excuse for such Absence shall be allowed of by the Assembly.

Any Person so chosen, &c. refusing to serve forfeits 10 l.

A N D if any Person so chosen and returned as aforesaid shall happen to die, or be wilfully absent, or by Vote of the House be disabled to sit or serve in Assembly, then and in every such Case the Secretary for the time being, shall, by the Speaker's Order, issue out Writs to the respective Sheriffs of the County where there shall be occasion for electing such new Members: But in Case the Secretary shall delay the Making of such Writs for the Space of two Days, next after he has Notice of the Speaker's Order in that Behalf, it shall be lawful for the Speaker of the Assembly for the time being, to issue forth the said Writs, which shall be made in the Governor's Name, under the Hand and Seal of the Speaker; whereupon every Sheriff, or other Officer to whom such Writ or Writs are directed, shall indorse the Day of his Receipt thereof on the Back, and with all convenient Speed, after he receives such Writ, shall cause publick Notice to be given of the Time and Place of Election, and proceed to elect thereupon in Manner aforesaid, within the Space of five Days after his Receipt of the said Writ, and give two Days Notice, at least, of the Day appointed for Election: Which Notice shall be given in Writing, and shall be proclaimed in the most publick Places of the capital Town or Place where such Election is to be, and the said Sheriff or other Officer shall cause Copies of such Notice or Advertisement to be posted upon some Tree or House in the Way leading from every Township or Precinct to the Town or Place where the said Election is to be, as also upon the Court-Houses and publick fixed Meeting-Houses for religious Worship in the said respective Counties.

Vacancies by Death or otherwise to be supplied by a new Choice, &c. and the Method of Proceeding in such Cases.

A N D when those Elections are made by Virtue of the said Writs in Manner aforesaid, the Sheriff, or other Officer who shall officiate as Judges of the said Elections, shall write down the Names of the Persons so elected in a Pair of Indentures, sealed, and present one Part thereof to the Governor, and the other Part to the Assembly, on the

The Election being made, &c. the Names to be returned as before.

Day

Day of the Return of such Writs, which said Indentures shall be deemed to be the Sheriff's Return of such Representatives.

All which Elections to begin between ten in the Morning and two in the Afternoon.

ALL which said Elections shall begin between the Hours of ten in the Morning, and two in the Afternoon; and that no Person or Persons whatsoever, by Force of Arms, or Menacing, shall disturb the Freemen of this Province in the free Election of their said Representatives, but that the same Election shall be freely and indifferently made.

The Sheriff forfeits 100 l. for Refusal, &c. to give Notice of such Elections; and the Coroner 50 l.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Sheriff shall refuse or neglect to give Notice of the said Election, by Writs, shall forfeit *One Hundred Pounds*, Money aforesaid, one Half to the Governor, and the other Half to him that shall sue for the same in Manner aforesaid. AND upon such Neglect or Refusal, the Coroner of the respective County where the same shall happen, is hereby required, by himself or his Deputy, to officiate and perform all that the said Sheriff or his Deputy ought to have done and performed at the said Elections, according to the Tenor and Directions of this Act, under the Penalty of *Fifty Pounds*, to be recovered as aforesaid, one Half to the Governor, and the other Half to him that shall sue for the same.

And on not making true Returns, &c. forfeits 100 l.

AND every Sheriff, or other Officer, not making good and true Returns of the said Elections of Representatives, or Members of Assembly, according to the Direction of this Act, or refusing, or wilfully neglecting to do and perform what is hereby required to be done at and after the said Elections, shall forfeit, for every such Offence, the Sum of *One Hundred Pounds*, Money aforesaid; one Half thereof to the Governor, and the other Moiety to him that will sue for the same in Manner aforesaid.

The Powers and Privileges of an Assembly.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Representatives so chosen and met, according to the Direction of this Act, shall be the Assembly of this Province, and shall have Power to chuse a Speaker and other their Officers, and shall be Judges of the Qualifications and Elections of their own Members, sit upon their own Adjournments, appoint Committees, prepare Bills in order to pass into Laws, impeach Criminals and redress Grievances, and shall have all other Powers and Privileges of Assembly, according to the Rights of the

the Freeborn Subjects of *England*, and as is usual in any of the Queen's Plantations in *America*.

AND if any County or Part of this Province shall refuse or neglect to choose their respective Representatives as aforesaid, or if chosen, do not meet to serve in Assembly, those who are so chosen and met shall have the full Power of an Assembly in as ample Manner as if all the Representatives had been chosen and met; *Provided*, they are not less than two Thirds of the Whole that ought to meet.

If any County should refuse to chuse, &c.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That no Person who shall be hereafter a Member of the Assembly, or House of Representatives of this Province, shall be capable to vote in the said House, or sit there during any Debate, after their Speaker is chosen, until he shall make and subscribe the following Declarations and Profession of his Christian Belief, *viz.*

No Member to vote, &c. in the House till qualified.

I A. B. do sincerely promise, and solemnly declare before GOD and the World, That I will be faithful and bear true Allegiance to Queen Anne. And I do solemnly profess and declare, That I do, from my Heart, abhor, detest and renounce, as impious and heretical, that damnable Doctrine and Position, That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever.

The Qualification of every Member of Assembly. *Altered by an Act pass'd in the 11 Geo. I. entituled, An prescribing the Forms of the Declaration of Fidelity, &c.*

AND I do declare, That no foreign Prince, Person, Prelate, State or Potentate hath, or ought to have, any Power, Jurisdiction, Superiority, Prebeminence or Authority ecclesiastical or spiritual, within the Realm of England, or the Dominions thereunto belonging.

AND I A. B. do solemnly and sincerely, in the Presence of GOD, profess, testify and declare, That I do believe that in the Sacrament of the LORD's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of CHRIST, at or after the Consecration thereof, by any Person whatsoever; and that the Invocation or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and Idolatrous.

AND I do solemnly, in the Presence of GOD, profess, testify and declare, That I do make this Declaration, and every

T

Part

Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by English Protestants, without any Evasion, Equivocation or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope, or any other Authority or Person whatsoever, or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking I am or may be acquitted before GOD or Man, or absolved of this Declaration, or any Part thereof, although the Pope, or any other Person or Persons, or Power whatsoever, should dispense with or annul the same, or declare that it was null or void from the Beginning.

AND I A. B. profess Faith in GOD the Father, and in JESUS CHRIST his eternal Son, the true GOD, and in the HOLY SPIRIT, one GOD, blessed for evermore; and do acknowledge the Holy Scriptures of the Old and New-Testament to be given by divine Inspiration.

How the same shall be made and when and where.

WHICH said Declarations and Profession of Faith shall be, in the next and every succeeding Assembly, to be held in this Province, solemnly and publickly made and subscribed, betwixt the Hours of Nine in the Morning and Four in the Afternoon, by every such Member of the House of Representatives, at the Table, in the Middle of their House, and while a full House of Representatives is there Sitting with their Speaker in his Chair; and during the Making and Subscribing thereof, all Business and Debates in the said House shall cease.

Which Qualifications shall be recorded by the Clerk of the Assembly.

AND the Clerk of the Assembly is hereby required to record the same in Rolls or Books prepared for that Purpose; and every Member of Assembly shall pay the Clerk for recording thereof *Five Pence*, and no more. And that the Manner and Method of making the said Declarations shall be as followeth, *to wit*, The Speaker shall first read and subscribe the same, and after him every Member, as he is called over, shall either read and subscribe the said Declarations, or else subscribe them as they shall be read unto him by the Clerk of the Assembly.

No Member shall be denied to sit, &c. that makes and subscribes the same.

AND BE IT ENACTED by the Authority aforesaid, That no Person whatsoever, who at any time shall be elected Member of Assembly in this Province, and who shall make, and be willing and offer to make and subscribe the said Declarations in Manner and Form aforesaid, shall

shall be rejected or denied to sit, debate and act in the House of Representatives or General Assembly of this Province.

PROVIDED NEVERTHELESS, That nothing herein contained shall extend to debar or hinder the House of Representatives to reject such Persons as are or shall be unduly elected Members to serve in Assembly, such as the Assembly, or major Part of them, shall see cause from time to time, by Vote, to expel, or disable to sit or serve there, by reason of ill Practice in Elections, or Misbehaviour in the House.

Except such as shall be unduly elected, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Member chosen, or to be chosen, to serve in Assembly as aforesaid, shall be allowed the Sum of *Six Shillings per Day*, and the Speaker *Ten Shillings per Day*, during his and their Attendance in the Service thereof; and that every Member of Assembly shall be allowed towards his travelling Charges after the Rate of *Three Pence* a Mile coming to and going from the Place where the Assembly is or shall be held.

Members Allowance per Diem. Altered by an Act made the 9th Geo. I. entitled, An Act for Regulating, &c. Fees.

See this Act altered and explained, by an Act passed in the 13 Geo. I. Chap. CCXCIV. Entitled, A Supplementary Act to the Act for Ascertaining the Number of the Members of Assembly, &c.

CHAP. CXXX.

An ACT for selling Beer and Ale by Wine-Measure.

WHEREAS by a Law of this Province, for *Regulating the Dimensions of Casks, &c.* it is enacted, amongst other Things, That a Barrel shall contain Thirty-one Gallons Wine-Measure. And whereas by another Law of this Province, for *Regulating of Weights and Measures*, it is, amongst other Things, enacted, That none shall sell Beer or Ale by retail, but by Beer-Measure, according to the Standard of *England*; by reason whereof the Retailers of Beer and Ale are obliged to sell the same by far greater Measure than they buy it: For Remedy whereof, BE IT ENACTED, &c. That from and after

Taverns to after the Publication of this Act, all Persons which now are
 sell Beer or or which at any time or times hereafter shall be licensed to
 Ale by Wine- keep any Tavern, Inn, Ale-house or Victualing-House
 Measure in within this Province, shall sell Beer and Ale by Wine-Mea-
 their Houses, sure to all Persons as drink it in their Houses, and by Beer-
 and Beer- Measure to all such Persons as carry the same out of their
 Measure out of Houses, under the Penalty of *Ten Shillings*, to the Use of
 Doors, on the Poor, for every Offence, being convict thereof by one
 10 s. Penalty. or more Witnesses, before one or more of the Justices of
 the Peace of the County where the Offence is committed,
 any Law, Custom or Usage to the Contrary in anywise
 notwithstanding.

PROVIDED ALWAYS, AND BE IT
 FURTHER ENACTED by the Authority
 aforesaid, That the above recited Law, entituled, *An Act
 for regulating Weights and Measures*, and every Part and
 Proviso therein contained, except the last Cause thereof,
 relating to selling Beer and Ale by Beer-Measure, shall be
 and remain in full Force, any think herein contained to
 the Contrary notwithstanding.

C H A P. CXXXI.

*An ACT for the more easy and effectual Collecting
 of the Proprietary's Quit-Rents.*

WHEREAS since the first Location of Lands in
 this Province, the Quit-Rents reserved upon the
 several Grants, as well before the Date of the
 Royal Charter to the Proprietary as since, have been very
 irregularly and uncertainly collected, not only to the great
 Loss of the Proprietor himself, who has thereby been kept
 out of his just Rights, but also to the great Inconveniency
 of the Freeholders, by having no certain and exact Accounts
 of their Quit-Rents kept; and being suffered, upon their
 Negligence, to run far in Arrears, that the Payment of
 what would be easy yearly, becomes more grievous and
 burthensome when to be paid in one Sum. And further,
 that upon the Transferring of Lands incumbered with Quit-
 Rents, the whole Arrears often become an entire Loss to
 the Purchaser. For Remedy whereof, BE IT ENAC-
 TED, &c. That there shall be always in this Province
 a Receiver-General appointed by the Proprietary, his Heirs
 and

and Assigns, or (upon Failure thereof, or in case of Death or Removal) by those that represent the Proprietor, his Heirs or Assigns in this Province, in Matters of Property, who shall hold an Office, which shall be called the Receiver-General's Office for *Pennsylvania*; and either by himself or sufficient Deputies, or other Persons appointed by the Proprietary; his Heirs or Assigns, or such as do or shall represent him or them in Matters of Property as aforesaid, by Commissions or Deputations, which with the present Receiver-General's Commission, and his Deputations to the several Collectors of Quit-Rents, shall be recorded in the Office of Enrolment in each County of this Province, shall sit on some certain Day or Days in the first Month, called *March*, yearly, at such Place or Places in the respective Counties as is by the Proprietor's Patents appointed, of which Time and Place ten Days Notice shall be, by the respective Receiver, given and published, by fixing Notes or Advertisements in Writing upon the Door of every publick Meeting-House for religious Worship in each County; and then and there receive all Quit-Rents due for such Lands in each County from all and every the Freeholders and others that possess and claim the same, who shall pursuant to their Tenures, be hereby obliged, at such Time and Place, to appear in Person, or by their Friends, and pay their Arrears of Rent. And the said several Payments shall be duly entered in a fair Roll, made and kept for every County within each Township in every County, and all the Lands therein according to the said Patents, in distinct Entries; which shall be subject to the View of every Person, as far as they relate to any particular Tract that such Person is or may be in anyways concerned, either in his own Right, or for or in Right of others.

A Receiver-General to be appointed by the Proprietary; who shall keep an Office, &c.

And in *March*, yearly, sit in each County, and give ten Days Notice thereof, to receive all Quit-rents,

And shall enter, in a fair Roll, the several Payments, which Roll shall be subject to View, &c.

AND in Case any Person, who so holds and claims any Lands or Lots in this Province, shall neglect to appear as aforesaid and pay their Quit-Rents (Notice being as aforesaid given) the Receiver or respective Collector may levy the same by Distress, according as the Law of *England* impowers and directs to distrain for Rents. And if no Distress can be found, the Proprietary, his Heirs or Assigns, may sue for the Rent or Arrearages thereof in an Action of Debt at the respective County Court, and shall recover the same as any other Debt may be recovered by the Laws of this Government.

On Refusal of Payment may levy the same by Distress.

PROVIDED ALWAYS, That no such Action, if the Defendant fail of fully answering the Debt, shall afterwards be a Bar to the Proprietary, his Heirs or Assigns, against recovering the same Arrears that were sued for, of the Land or Lots from whence they accrued, by all such lawful Means as might be done if such Action had not been commenced.

BUT where any Person holding Lands of the Proprietary is not by Patent, Deed or Contract obliged to pay his Rent at any certain Place, and after such Notice of Time and Place given by the Receiver or Collector as aforesaid, refuses to pay the same accordingly, it shall be lawful for such Receiver or Collector to distrain for the Rent due before such Demand; or for Want of Distress, the same shall be sued for as aforesaid.

Saving to all
Persons their
legal Pleas.

SAVING to all Persons that shall be wrongfully distrained upon or sued by Colour of this Act, all their legal Pleas and Remedies prescribed or allow'd in such Cases by the Laws of *England*.

Renters who
are to pay
Wheat, shall
deliver the
same into a
Mill within a
Mile of navi-
gable Water.

PROVIDED ALWAYS, AND IT IS HEREBY ENACTED, That every Renter who is by Patent or Contract to pay his Rent in Wheat, shall deliver the same in good merchantable Wheat into some convenient Mill within a Mile of any navigable Water, which may best suit the said Renter; and the Miller's Receipt for the same being produced to the Receiver or Collector, shall be accounted and taken as sufficient Payment for so much as shall be therein mentioned, and the Renter shall be discharged thereupon accordingly.

Arrears of
Rent not to
be sued for
till six Months
after Demand
or Notice gi-
ven, &c.

PROVIDED ALSO, That no Person shall be distrained upon or sued for any Rent, or Arrears of Rent heretofore due, until six Months be expir'd after the first Demand thereof shall be made, or Notice given as aforesaid, to the End that every one may have time to provide his Receipts and Proofs of Payments, if any be made; and for that Purpose he shall have Recourse to all Rent-Rolls, Books and Accounts of all the Receivers or Collectors of Quit-Rents that can be found, to make out the Payments where Receipts cannot be produced: Which said Receivers and Collectors, their Executors and Administrators, shall and are hereby required, before the Twenty-fourth Day of the Month called *June*, in the Year of our LORD

One Thousand Seven Hundred and Six, to bring into the Receiver-General's Office, at Philadelphia, all the Accounts of Rents gathered, received or had by the said respective Receivers or Collectors, or by their Order, or true Copies of such Accounts not already brought in; and if any Rents be thereby discovered, or otherwise made appear to be paid, or secured by Obligation, or other Specialty for that Purpose, the same shall be allowed by the Receiver-General or his Deputy for the time being, or by such other Person as shall be appointed to collect the Proprietary's Rents as aforesaid.

Where Receipts cannot be found the Accounts of the Receivers, &c. shall be allowed by the Receiver-General.

PROVIDED ALSO, That where Receipts cannot be produced, nor any apparent Credit in or by any of the said Receiver's Rolls, Books or Accounts, or no other Proof can be made of the Payment of the Rents, or Arrears of Rents heretofore due, to the Satisfaction of such Receiver or Collector, and yet the Party declares the same is paid or secured as aforesaid, in Part or in all; then, and in such Cases, the Receiver or Officer shall not make Distress for such Rents or Arrears, but may sue for the same; and the Tenant or Debtor shall be allowed to give his own Affirmation, back'd with probable Circumstances, or Proof of others, in Evidence to the Jury, for his Discharge; and if such Evidence be not to the Satisfaction of the Jury, they shall find for the Plaintiff.

No Proof appearing, and the Party declare the Sum paid, &c. no Distress to be made, but the Parties Affirmation, &c. to be Proof.

PROVIDED ALSO, That every Obligation or Specialty which hath been or shall be given for Arrears of Quit-Rents, shall discharge the Obligors of so much thereof, and be a Bar to any Action or Avowry for the same.

And every Obligation given for Rent, &c. shall discharge, &c.

AND BE IT FURTHER ENAGTED by the Authority aforesaid, That none of the said Quit-Rents shall be multiplied, but the Rent or Sum first reserved shall be apportioned; and no Person after he has given the Receiver or Collector a due Account of what Land he has alienated, and the same is entred in the Roll as is herein after directed, shall be charged, distrained or sued for any more of the said Quit-Rents than what shall be really due, or ought of Right to be required or had, for the Quantity of Ground or Number of Acres which he or she respectively holds. And no Person shall be charged or obliged to pay any Quit-Rents for such Parts of his or her Lands or Lots as he or she shall have alienated or conveyed to another who resides upon any Lands adjoining, upon the Account

The Rent first reserved shall be apportioned on the Division of Lands, &c.

No Person to pay more than his Share of Quit-Rents.

Account of which he or she was before entered into the said Roll ; which the Receiver or Officer, upon due Notice had thereof, is hereby required to do.

No Proportions of Rents to be less than 12 d. Ster. for new, and a Bushel of Wheat for old Renters.

PROVIDED ALWAYS, That no Proportions or Parts of Quit-Rents for Lots or Lands sold or alienated after the Twenty-fifth of the Month called *March*, in the Year *One Thousand Seven Hundred and Six*, shall be less than twelve Pence Sterling for new Renters, and one Bushel of Wheat for old Renters ; and upon Alienations before the said Twenty-fifth Day of *March*, the Receiver, or his Deputies, shall not be obliged to receive for any Part or Parcel of Lots or Lands, less than *Three Pence* Sterling yearly, or one Peck of Wheat. And the said Receiver, or his Deputies, are hereby required to enter into the respective Rent-Rolls every such Alienation as aforesaid ; for which the under Purchaser, who shall be so entred, shall pay *One Shilling*.

The Receiver to enter into his Rent-Rolls every Alienation.

AND WHEREAS divers Persons, who are not resident in this Province, have procured their Lands to be located ; where the same, by the Settlement of the neighbouring Inhabitants, are greatly improved in Value, and yet have not paid Quit-Rents nor publick Charges, for Want of some Person in the Place to answer for them ; **BE IT THEREFORE ENACTED** by the Authority aforesaid, That from and after the Twenty-fifth of the Month called *March*, which shall be in the Year *One Thousand Seven Hundred and Eight*, where any Tracts of Lands or Lots shall be in Arrears for Quit-Rents, yearly arising thereupon, or for the Provincial or County Rates assessed, or to be assessed, or made payable for the same, it shall be lawful for the Clerk of the County where such Land lies, in the Name of the Proprietor, to sue such Non-Resident in the respective County Court, as well for the Arrears of Quit-Rent as Taxes unpaid, for the Space of three Years, or more, next before such Suit ; and if the Defendant doth not, by himself, or any other, appear to defend such Suit, and pay the said Arrears of Quit-Rents and Taxes, Judgment shall be given against the Defendant, and Execution shall be awarded, to be levied on so much of the said Lands as shall satisfy the Judgment, in the same Manner as other Lands, by the Laws of this Province, are to be taken and sold upon Execution for the Payment of Debts ; and so much of the Money raised by such Sale as shall be due for Quit-Rents, shall be, by the Sheriff, paid to

Lands, &c. in Arrears for three Years Quit-Rents, or County-Levies, may be levied on in Manner as other Lands, &c. for Payment of Debts.

to the Proprietor or his Receiver; and what shall be due for Taxes shall be paid to the Provincial or County Treasurer respectively.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Justices of each County of this Province, to grant Writs of Replevin in all Cases whatsoever where Replevins may be granted by the Laws of *England*, taking Security as the said Law directs, and make them returnable to the next respective Courts of Common-Pleas in the proper County, there to be determined according to Law.

Writs of Replevin grantable.

C H A P. CXXXII.

An ACT about Departers out of this Province.

BE IT ENACTED, &c. That every Person intending to depart or leave this Province, shall publish his or her Intentions in Writing, under one Justice's Hand, affixed on the Door of the County Court-House where he or she inhabits, thirty Days before his or her Departure; and shall have a Pass under the Province or County Seal. AND if any Master of Ship or Vessel, shall presume to convey or transport any Person inhabiting in this Province out of this Government without such Pass, such Master or Person shall pay all Damages that shall happen thereby.

C H A P. CXXXIII.

An ACT for the better Improving a good Correspondence with the Indians. Expired.

C H A P. CXXXIV.

An ACT about Attachments.

WHEREAS the Laws of this Government have hitherto been deficient in respect of Attachments, (so that the Effects of Persons absenting are not equally liable with those of Persons dwelling upon the Spot, to make Satisfaction for Debts contracted or owing within

Proceedings on Attachments rectified by the 9th Geo. I. Chap. 251 *postea*.

this Province) to the great Injury of the Inhabitants thereof, and Encouragement of such unworthy Persons as frequently, by Absconding, make an Advantage of the Defect aforesaid: To prevent which Inconveniency, BE IT ENACTED, &c. That the Justices of the respective County Courts within this Province shall, and are hereby empowered to grant Writs of Attachment; which Attachments so granted shall be duly served by the respective Sheriffs or Coroners, as the Case may require, upon the Goods and Chattels of such Person or Persons against whom the same shall be awarded, in whose Hands or Possession the same shall be found, returnable to the next succeeding Court respectively, where the Party may proceed to Trial, and shall have Judgment granted the third Court after the Effects are seized.

AND BE IT FURTHER ENACTED

The Manner
of Proceeding
on Attach-
ments.

by the Authority aforesaid, That the Person or Persons whose Goods or Effects are so attached, shall be called *The Defendant* in the Attachment; and the Person in whose Hands or Possession the same Goods or Effects are attached shall be called *The Garnishee*, and shall be obliged to appear in Court at the Return of the Attachment, and answer what shall be objected against him, and abide the Judgment of Court, and shall be allowed, out of the Effects attached, reasonable Satisfaction for his Attendance. And that the Manner of Executing the said Writs shall be by the Officers going to the House, or to the Person in whose Hands or Possession the Defendant's Goods or Effects are supposed to be, and then and there declare, in the Presence of one or more credible Persons of the Neighbourhood, *That the attacheth the same Goods or other Effects*: From and after which Declaration the Goods, Money or Effects so attached, shall remain in the Officer's Power, and be by him secured, in order to answer and abide the Judgment of Court in that Case, unless the Garnishee will give Security therefor. And if the Plaintiff obtain a Verdict, Judgment and Execution for the Money and Goods in the Garnishee's Possession; yet the Defendant, in the Attachment, may, at any time before the Money paid, put in Bail to the Plaintiff's Action, upon which the Attachment is grounded; whereby the Garnishee will and shall be immediately discharged. And if an Attachment shall be made for Goods or Effects, and the Garnishee plead he had no Goods or Effects in his Hands at the time of the Attachment, or at any time after, and the Plaintiff prove the Contrary, the

Jury

Jury in such Case being satisfied that the Proof is plain and full, shall find for the Plaintiff, and say what Goods or Effects they find in the Garnishee's Hands; whereupon Judgment shall be entred, that Appraisement may be made of the said Goods or Effects so found by the Jury, and a Precept shall be granted requiring the Sheriff to get the same appraised; and if the Garnishee will not produce them, Execution shall be forthwith awarded for the Value thereof according to Appraisement; to be levied of the Lands, Tenements, Goods and Chattels of the Garnishee.

PROVIDED ALWAYS, That no Writ of Attachment shall hereafter be granted against any Person or Persons Effects, but such only as at the time of Granting such Writs are not resident or residing within this Province, or are about to remove or make their Escape out of the same, and shall refuse to give sufficient Security to the Complainant for his Debt or other Demand before he departs the said Province.

No Attachment to be granted against a Resident, &c.

PROVIDED ALSO, That after Judgment obtained by the Plaintiff upon any Attachments against Non-Residents, the Plaintiff shall before Sale, and after Execution is awarded, find Security, who shall undertake for the Plaintiff, *That if the Defendant in the Attachment shall, within a Year and a Day next following, by himself or Attorney, come into Court and disprove or avoid the Debt recovered by the Plaintiff against him, or shall discharge the same, with Costs, that then the Plaintiff shall restore to the Defendant the Goods or Effects, or the Value thereof, by the Plaintiff attached and condemned, or so much thereof as shall be disproved or discharged, or else that they shall and will do it for him.*

The Plaintiff after Judgment obtained shall find Security, that if the Defendant, &c.

C H A P. CXXXV.

An ACT for the Trial of Negroes.

WHEREAS some Difficulties have arisen within this Province, about the Manner of Trial and Punishment of Negroes committing Murther, Man-slaughter, Buggery, Burglary, Rapes, Attempts of Rapes, and other high and heinous Enormities and capital Offences: For Remedy thereof, and for the speedy Trial and condign Punishment of such Negroe or Negroes offending as aforesaid, BE IT ENACTED, &c. That it shall

Vide postea, An Act, entitled, An Act for the better Regulating of Negroes, &c. 12th Geo. I. Chap. 287.

and

Two Justices
commissiona-
ted by the
Governor,
with the As-
sistance of six
Freeholders,
to try Negroes
for Murther,
&c.

and may be lawful for two Justices of the Peace of this Province, who shall be particularly commissioned by the Government for that Service, within the respective Counties thereof, and six of the most substantial Freeholders of the Neighbourhood, to hear, examine, try and determine all such Offences committed by any Negroe or Negroes: Which said Freeholders shall be by Warrant under the Hands and Seals of the respective Justices, commissioned as aforesaid, directed to the next Constable, summoned to appear at such Time and Place as the said Justices shall therein appoint: Which Freeholders the said Justices shall solemnly attest, *Well and truly to give their Assistance and Judgment upon the Trial of such Negroe or Negroes:* Who shall hold a Court for the Hearing, Trying, Judging, Determining and Convicting of such Negroe or Negroes as shall be before them charged or accused of committing any Murther, Manslaughter, Buggery, Burglary, Rapes, Attempts of Rapes, or any other high or heinous Offence committed, acted or done in any of the respective Counties within this Province as aforesaid.

Their Quali-
fication, and
Manner of
Proceeding
thereon.

Their Duty
and Power, to
acquit or con-
demn, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That upon the Holding of such Court by the said Justices and Freeholders as aforesaid, it shall and may be lawful for the said Justices and Freeholders to examine, try, hear, judge, determine, convict, acquit or condemn, according to Evidence and full Proof, any Negroe or Negroes, for any the Crimes or Offences aforesaid, or any other high or capital Offence; and, upon due Proof and Conviction, to pronounce such Judgment or Sentence in the Premises, as is agreeable to Law and the Nature of the Offence; or otherwise to acquit, free and discharge such Negroe or Negroes, in Case the Evidence shall not be sufficient for a Conviction therein.

How Sentence
shall be given
and Executi-
on done, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That where such Negroe or Negroes shall be convict, and Judgment or Sentence shall be pronounced by the respective Justices and Freeholders as aforesaid, and a Warrant by them signed and sealed, to be directed to the High-Sheriff of the County where the Fact was committed or tried, for the Execution of such Negroe or Negroes, the same shall be duly executed, or caused to be duly executed by the said Sheriff, on Pain of being disabled to act any longer in that Post or Office.

AND

AND if any of the said Justices or Freeholders neglect or delay to do their Duty therein, they shall be liable to be fined by the Governor and Council, in any Sum not exceeding *Five Pounds*; to be levied by Distress and Sale of the Goods and Chattels of such Justices or Freeholders so refusing as aforesaid. Penalty:

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Negroe or Negroes within this Province, shall commit a Rape or Ravishment upon any white Woman or Maid, or shall commit Murther, Buggery or Burglary, they shall be tried as aforesaid, and shall be punished by Death. And for an Attempt of Rape or Ravishment on any white Woman or Maid, and for Robbing and Stealing, or fraudulently taking and carrying away any Goods, living or dead, above the Value of *Five Pounds*, every Negroe, upon Conviction of any of the said Crimes, shall be whipp'd with Thirty-nine Lashes, and branded on the Forehead with the Letter [R] or [T] and exported out of this Province by the Master or Owner, within six Months after Conviction, never to return into the same, upon Pain of Death, and shall be kept in Prison till Exportation, at their Masters or Owners, or their own Charge. And for Robbing or Stealing any Goods as aforesaid, under the Value of *Five Pounds*, every Negroe, upon Conviction thereof, shall be whipp'd at the Discretion of the Justices, with any Number of Lashes not exceeding Thirty-nine; and the Master or Owner of such Negroe shall make Satisfaction to the Party wronged for the Value, and pay all Costs; to be levied by Distress and Sale of the said Master's or Owner's Goods, if he or they refuse or delay to answer it otherwise. Rape, &c. punished by Death, and an Attempt, &c. by Whipping, &c.
Stealing under 5*l.* Value, by Whipping only, and the Master to pay, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Negroe shall presume to carry any Guns, Sword, Pistol, Fowling-Piece, Clubs or other Arms or Weapons whatsoever, without his Master's special Licence for the same, and be convicted thereof before a Magistrate, he shall be whip'd with Twenty-one Lashes on his bare Back. Negroes not allowed to carry a Gun, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That for preventing Negroes meeting and accompanying together on the First-Days of the Week, or any other Day or Time, in great Companies or Numbers; that if any Person or Persons give Notice Nor to meet above four in Company, on Penalty of Whipping.

Y thereof,

thereof, and to whom they respectively belong, to any Justice of the Peace within this Province, the same being above the Number of four in Company, and upon no lawful Business of their Masters or Owners, such Negroes so offending shall be publicly whip'd, at the Discretion of one Justice of the Peace, not exceeding Thirty-nine Lashes.

C H A P. CXXXVI.

Fid. postea
Cap. 288.

*An ACT to prevent the Importation of
Indian Slaves.*

No Indian
Slaves to be
imported into
this Province,
on Penalty of
being forfei-
red.

WHEREAS the Importation of Indian Slaves from *Carolina*, or other Places, hath been observed to give the Indians of this Province some Umbrage for Suspicion and Dissatisfaction, **BE IT ENACTED, &c.** That if, after the Twenty-fifth Day of *March*, in the Year *One Thousand Seven Hundred and Six*, any Person shall import, or cause to be imported, any Indian Slaves or Servants whatsoever, from any Province, or Colony in *America* into this Province, by Land or Water, such only and their Children (if any) excepted, as for the Space of one Year before such Importation, shall be proved to have been menial Servants in the Family of the Importer, and are brought in together with the Importer's Family; every such Slave or Servant so here landed shall be forfeited to the Government, and shall be either set at Liberty or otherwise disposed of as the Governor and Council shall see cause,

PROVIDED ALWAYS, That no such Indian Slave as Deserting his Master's Service elsewhere (that shall fly into this Province) shall be understood or be construed to be comprehended within this Act.

C H A P. CXXXVII.

The LAW about seven Years quiet Possession.

BE IT ENACTED, &c. That seven Years quiet Possession of Lands within this Province, which were first entred on upon an equitable Right, shall forever give an unquestionable Title to the same against all, during the Estate whereof they are or shall be possessed; except
in

in Cafes of Infants, married Women, Lunaticks, and Persons not refident within this Province and Territories.

C H A P. CXXXVIII.

An A C T for the Killing of Wolves. Supplied.

C H A P. CXXXIX.

An A C T againſt mixing and adulterating ſtrong Liquors.

FOR the Preventing of Fraud in mixing and adulterating Rum, Brandy, or ſuch like Spirits, **B E I T E N A C T E D, &c.** That if any Perſon within this Province ſhall preſume to ſell Rum, Brandy, or ſuch like Spirits, that is adulterated or mix'd with Water or any other Liquor, knowing the ſame to be ſo adulterated or mix'd, being convict thereof, by one or more credible Witneſſes, he or ſhe ſhall, for every ſuch Offence, forfeit the ſaid Rum, Brandy or Spirits to be expoſed to Sale, and pay treble the Value thereof; one Moiety to the Support of Government, and the other Moiety or Half to him that ſhall diſcover or ſue for the ſame.

The mixing Water with Rum, &c. to ſell, is Forfeiture thereof.

C H A P. CXL.

An A C T for Mariners not to be truſted.

TO the End that no Mariners ſhall be arreſted to hinder their Voyage in any Ship or other Veſſel to which they belong, bound out to Sea, **B E I T E N A C T E D, &c.** That no Perſon, Ordinary-keepers or others, within this Province, ſhall truſt any Mariner, belonging to any Veſſel, above *Five Skillings*, unleſs the Maſter of the Ship or Veſſel to whom ſuch Mariner belongs, engage for the ſame; upon the Penalty of Loſing what they ſo truſt, and of the Sum of *Five Pounds*, over and above, for each Offence; one Moiety thereof to the Maſter or Merchant injured, and the other to the Governor; and ſhall further forfeit their Licence; except ſuch Mariner have Goods on board the ſaid Veſſel, or otherways to anſwer the ſame.

Mariners not to be truſted above 5 s. on 5 l. Penalty, &c.

C H A P. CXLI.

An A C T for County Seals, and against counterfeiting Hands and Seals.

The Penalty
on counterfeiting
Hand or
Seal.

Or the Privy
or Broad Seal.

BE IT ENACTED, &c. That there shall be a County Seal in every County in this Province, for the Use of each County; and if any Person within the said Province shall be convicted of counterfeiting the Hand or Seal of another, with Intent to defraud such Person, shall suffer three Months Imprisonment, and be fined treble the Value he or she shall have defrauded, or attempted to have defrauded thereby, to the Use of the Party wronged. AND whosoever shall counterfeit the Privy or Broad Seal of the said Province, being convicted thereof, shall suffer seven Years Imprisonment as aforesaid, and be fined at the Discretion of the Court where such Party shall be convicted, in any Sum not exceeding *One Hundred Pounds*, for the Support of Government.

C H A P. CXLII.

An A C T for Defalcation.

Any Person
sued upon
Bond, Bill,
&c. may plead
Payment of
Part or the
whole Debt,
&c.

If the Jury
find the Plain-
tiff is over-
paid, the Ver-
dict shall be
given for the
Defendant.

BE IT ENACTED, &c. That if any two or more Dealing together, be indebted to each other upon Bonds, Bills, Bargains, Promises, Accounts, or the like, and one of them commence an Action in any Court of this Province, if the Defendant cannot gainsay the Deed, Bargain or Assumption upon which he is sued, it shall be lawful for such Defendant to plead Payment of all or any Part of the Debt or Sum demanded, and give any Bond, Bill, Receipt, Account or Bargain in Evidence; and if it shall appear that the Defendant hath fully paid or satisfied the Debt or Sum demanded, the Jury shall find for the Defendant, and Judgment shall be entered, that the Plaintiff shall take nothing by his Writ, and shall pay the Costs. And if it shall appear that any Part of the Sum demanded be paid, then so much as is found to be paid shall be defaulked, and the Plaintiff shall have Judgment for the Residue only, with Costs of Suit, But if it appear to the Jury that the Plaintiff is overpaid, then they shall give in their Verdict for the Defendant, and withal certify to the Court how much they find the Plaintiff to be indebted

or

or in Arrear to the Defendant more than will answer the Debt or Sum demanded, and the Sum or Sums so certified shall be recorded with the Verdict, and shall be deemed as a Debt of Record; and if the Plaintiff refuse to pay the same, the Defendant, for Recovery thereof, shall have a *Scire facias* against the Plaintiff in the said Action, and have Execution for the same, with the Costs of that Action.

And how the Court shall proceed upon the same.

PROVIDED ALWAYS, That in all Cases where a Tender shall be made, and full Payment offered by Discount, or otherwise, in such Specie as the Party by Contract or Agreement ought to do; and the Party to whom such Tender shall be made doth refuse the same, and yet afterward will sue for the Debt or Goods so tendered, the Plaintiff shall not recover any Costs in such Suit.

Where a Tender is made, and the Party refuses, and afterwards sues, he shall recover no Costs.

PROVIDED ALSO, That in all Cases where the Plaintiff and Defendant having Accounts to produce one against another, shall, by themselves, or Attornies, or Agents, consent to a Rule of Court, for Referring the Adjudgment thereof, to certain Persons, mutually chosen by them in open Court, the Award and Report of such Referees being made according to the Submission of the Parties, and approved of by the Court, and entered upon the Record or Roll, shall have the same Effect, and shall be deemed and taken to be as available in Law as a Verdict given by twelve Men; and the Party to whom any Sum or Sums of Money are thereby awarded to be paid, shall have Judgment, or a *Scire facias*, for the Recovery thereof, as the Case may require, and as is herein before directed concerning Sums found and settled by a Jury; any Law or Usage to the Contrary of this in anywise notwithstanding.

The award of Referees chosen in Court, by Consent of Parties, shall have the same Effect as a Verdict.

C H A P. CXLIII.

An ACT for Bailing of Prisoners, and about Imprisonment.

BE IT ENACTED, &c. That all Prisoners shall be bailable by one or more sufficient Sureties, to be taken by one or more of the Judges or Justices that have Cognizance of the Fact, unless for such Offences as are or shall be made Felonies of Death by the Laws of this Province. And, at least every half Year, there shall be a

All Persons bailable, except for Felonies of Death.

The Liberty
of Prisoners,
and their Al-
lowance.

Goal-Delivery in every County of this Province, where Imprisonment is not the Punishment: And that Goalers shall not oppress their Prisoners; and that all Prisoners shall be free as to Room; and all Prisoners shall have Liberty to provide themselves with Bedding, Food and other Necessaries during their Imprisonment. And that the Publick-Allowance shall be *Two Pence per Day*, and no more. And that the respective Prisons shall be Work-Houses (until others are provided) for Felons, Thieves, Vagrants and loose and idle Persons; whereof one shall be in each respective County of this Province. And that no Person or Persons shall be obliged to answer to any Indictment or Presentment, unless the Prosecutor's Name be inserted thereon. And if any Person or Persons shall be imprisoned or prosecuted without probable Cause, he, she or they shall have double Damages against the Informer or Prosecutor; to be recovered by Action at common Law.

C H A P. CXLIV.

*Vide 13 Geo. I.
post. Cap. 295.*

An ACT for taking Lands in Execution for Payment of Debts. See Chap. 48. Anno 1700.

Lands, Tenements, &c.
may be sold
for the Pay-
ment of
Debts.

TO the End that no Creditor may be defrauded of their just Debts due to them from Persons who have sufficient real if not personal Estates to satisfy the same, **BE IT ENACTED, &c.** That all such Lands, Tenements and Hereditaments whatsoever, within this Province, where no sufficient personal Estate can be found, shall be liable to be seized and sold, upon Judgment and Execution obtained.

Except the
Rents thereof
will satisfy
such Debts in
seven Years.

PROVIDED ALWAYS, That when any Debt is hereafter recovered, and Damages awarded, or when any Debt is acknowledged before such as have or shall have Power to take Cognizance thereof, and Executions awarded thereupon, to be levied upon the Lands, Tenements or Hereditaments of any Person or Persons whatsoever, it shall not be lawful for any Sheriff, or other Officer, by Virtue of such Executions, or of any Writ or Writs thereupon, to sell or expose to Sale any such Lands, Tenements or Hereditaments, in this Province, which shall or may yield yearly Rents or Profits, beyond all Reprizes, sufficient, within the Space of seven Years, to pay or satisfy such Debts or

Da-

Damages, with the Costs of Suit ; but that all those Lands, Tenements and Hereditaments shall, by Virtue of the Writ or Writs of Execution, be delivered to the Party obtaining the same, until the Debt or Damages be levied by a reasonable Extent, in the same Manner and Method as Lands are delivered upon Writs of *Elegit* in England.

And then to be extended.

PROVIDED NEVERTHELESS, That if the clear Profits of such Lands or Tenements shall not be found by Inquest of twelve Men to be sufficient, within seven Years, to satisfy the Debt or Damages in such Executions ; or if, before the Extent be out, any other Debts or Damages shall be recovered against the same Debtor or Defendant, his Heirs, Executors or Administrators ; which, with what remains due upon that Extent, cannot all be satisfied out of the yearly Profits of the Lands and Tenements so extended, within seven Years, then, and in every such Case, the Sheriff, or other Officer, shall accordingly certify the same, upon the Return of such Executions ; whereupon Writ or Writs of *Venditioni exponas* shall issue forth to sell such Lands or Tenements, for and towards Satisfaction of what shall so remain due upon such Extent, as also towards Satisfaction of all the rest of the said Debts or Damages, in Manner as is herein after directed concerning the Sale of other Lands.

And if not, and before the said Extent be out any Debts shall be recovered which cannot be satisfied out of the said yearly Profits, then said Lands shall be sold.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the Sheriff, or other Officer, by a Writ of *Levare facias*, to seize and take all other Lands, Tenements and Hereditaments in Execution, and thereupon, with all convenient Speed, either with or without any Writ of *Venditioni exponas*, to make publick Sale thereof for the most they will yield, and pay the Price or Value of the same to the Party, towards Satisfaction of his Debt, Damages and Costs. But before any such Sale be made, the Sheriff, or other Officer, shall cause so many Writings to be made, upon Parchment, or good Paper, as the Debtor or Defendant shall reasonably desire or request, or so many, without such Request, as may be sufficient to signify and give Notice of such Sales or Vendues, and of the Day and Hour when, and the Place where the same will be, and what Lands or Tenements are to be so sold, and where they lie ; which Notice shall be given to the Defendant ; and the said Parchments or Papers fix'd by the Sheriff, or other Officer, in the most publick Places of the County or City, at least ten Days

How the Sheriff is to proceed therein.

Notice to be given ten Days before such Sales.

And after the Days before Sale ; and upon such Sale, the Sheriff, or other
 Sale the Sheriff, shall make Return thereof, indorsed or annexed to
 the Buyer a Deed, duly
 &c.

If the Lands, But in Case the said Lands and Hereditaments so to be ex-
 &c. cannot be posed, cannot be sold, then the Officer shall make Return
 fold how the upon the Writ, *That he exposed such Lands or Tenements to*
 Sheriff shall *Sale, and the same remained in his Hand unsold for Want of*
 proceed. *Buyers.* Which Return shall not make the Officer liable

And how the but a Writ, called *Liberari facias*, shall forthwith be awarded
 Debtor shall and directed to the proper Officer, commanding him to de-
 be satisfied, liver to the Party such Part or Parts of those Lands, Tene-
 and hold the ments and Hereditaments as shall satisfy his Debt, Damages
 said Lands, and Interest, from the time of the Judgment given, with
 &c. Costs of Suit, according to the Valuation of twelve Men ;
 to hold to him as his free Tenement, in Satisfaction of his
 Debt, Damages and Costs, or so much thereof as those
 Lands, by the Valuation thereof as aforesaid, shall amount
 unto : And if it fall short, the Party may afterwards have
 Execution for the Residue against the Defendant's Body,
 Lands or Goods, as the Laws of this Province shall direct
 and appoint from time to time, concerning other Executions.
 All which said Lands, Tenements, Hereditaments and Pre-
 mises so as aforesaid to be sold or delivered by the Sheriff
 or Officer aforesaid, with all their Appurtenances, shall and
 may be quietly and peaceably held and enjoyed by the
 Person or Persons, or Bodies politick, to whom the same
 shall be sold or delivered, and by his and their Heirs, Suc-
 cessors or Assigns, as fully and amply, and for such Estate
 and Estates, and under such Rents and Services as he or
 they for whose Debt or Duty the same shall be so sold or
 delivered, might, could or ought to do at or before the
 taking thereof in Execution.

The chief
 Messuage,
 &c. not to be
 sold within a
 Year after
 Judgment,
 &c.

PROVIDED ALWAYS, That the Messuage,
 Lands or Tenements upon which the Defendant is chiefly
 seated, shall not be exposed to Sale before the Expiration
 of one whole Year after Judgment is given, to the Intent
 that the Defendant, or any other for him, may redeem
 the same.

AND forasmuch as divers Persons have mortgaged
 their Lands and Tenements in this Province for securing
 the Payment of Monies, and some of them have died before
 the

the time of Payment, and left others to succeed them, that have proved Insolvent; and others have neglected to pay the Mortgage-Money, and so Mortgages are become no effectual Security, considering how low the annual Profits of Tenements and improved Lands are here, and the Discouragements which the Mortgagees meet with, by Reason of the Equity of Redemption remaining in the Mortgagers: **BE IT THEREFORE ENACTED** by the Authority aforesaid, That where Default or Defaults have been or shall be made or suffered by any Mortgager or Mortgagers of any Lands, Tenements, or other Hereditaments, within this Province, or by his, her or their Heirs, Executors, Administrators and Assigns, of or in Payment of the Mortgage-Money, or Performance of the Condition or Conditions which they or any of them should have paid or performed, or ought to pay or perform, in such Manner and Form, and according to the Purport, Tenor and Effect of the respective Provisoes, Conditions or Covenants comprised in their Deeds of Mortgage or Defeazance, and at the Days, Times and Places in the same Deeds respectively mentioned and contained; that in every such Case it shall and may be lawful to and for the Mortgagee or Mortgagees, and him, her or them that grant the Deeds of Defeazance, and his, her and their Heirs, Executors, Administrators and Assigns, at any time after the Expiration of twelve Months next ensuing the last Day whereon the said Mortgage-Money ought to be paid, or other Conditions performed as aforesaid, to sue forth a Writ or Writs of *Scire facias*, which the Clerk of the Court of Common-Pleas for the County or City where the said Mortgage-Lands or Hereditaments lie and be, is hereby impowered and required to make out and dispatch, directed to the proper Officer, requiring him, by honest and lawful Men of the Neighbourhood to make known to the Mortgager or Mortgagers, his, her or their Heirs, Executors or Administrators, that he or they be and appear before the Magistrates, Judges or Justices of the said Court or Courts, to shew if any thing he or they have to say wherefore the said mortgaged Premises ought not to be seized and taken in Execution for Payment of the said Mortgage-Money, with Interest, or to satisfy the Damages which the Plaintiff in such *Scire facias* shall, upon the Record, suggest, for the Breach or Non-Performance of the said Conditions. And if the Defendant, in such *Scire facias*, appears, he or they may plead Satisfaction or Payment of Part or all the Mortgage-Money, or any other lawful Plea, in Avoidance of the Deed or Debt, as the Case may require :

The Mortgagee, upon Non-Payment of the Mortgage-Money, may, after one Year, sue forth a Writ of *Scire facias*, &c.

And take out Execution and expose to Sale the mortgaged Premises as above directed.

And such Sales shall be available in Law, &c.

Overplus to be returned to the Debtor where Lands, &c. are sold for more than will satisfy the Debts, &c.

But if the Defendants, in such *Scire facias*, will not appear on the Day whereon the same Writ shall be made returnable, then, if the Case be such as Damages only are to be recovered, an Inquest shall be forthwith charged to enquire thereof, and the definitive Judgment therein, as well as all other Judgments, to be given upon such *Scire facias*, shall be entered, that the Plaintiff in the *Scire facias* shall have Execution by *Levari facias*, directed to the proper Officer; by Virtue whereof the said mortgaged Premises shall be taken in Execution, and exposed to Sale in Manner aforesaid; and upon Sale, conveyed to the Buyer or Buyers thereof, and the Money or Price of the same rendered to the Mortgagee or Creditor; but for want of Buyers, to be delivered to the Mortgagee or Creditor in Manner and Form as is herein before directed concerning other Lands and Hereditaments, to be sold and delivered upon Executions for other Debts or Damages; and when the said Lands and Hereditaments shall be so sold or delivered as aforesaid, the Person or Persons to whom they shall be so sold or delivered, shall and may hold and enjoy the same, with their Appurtenances, for such Estate or Estates as they were sold or delivered, clearly discharged and free'd from all Equity and Benefit of Redemption, and all other Incumbrances made and suffered by the Mortgagers, their Heirs or Assigns; and such Sales shall be available in Law, and the respective Vendees, Mortgagees or Creditors, their Heirs and Assigns, shall hold and enjoy the same, free'd and discharged as aforesaid; but before such Sales shall be made, Notice shall be given, in Writing, in Manner and Form as is herein above directed concerning the Sales of Lands upon Executions; any Law or Usage to the Contrary notwithstanding.

PROVIDED ALSO, AND BE IT FURTHER ENACTED by the Authority aforesaid, That when any of the said Lands, Tenements or Hereditaments which, by the Direction and Authority of this Act, are to be sold for Payment of Debts and Damages in Manner aforesaid, shall be sold for more than will satisfy the same Debts or Damages, and reasonable Costs, then the Sheriff, or other Officer who shall make the Sale, must render the Overplus to the Debtor or Defendants; and then, and not before, the said Officer shall be discharged thereof upon Record, in the same Court where he shall make Return of his Proceedings concerning the said Sales.

PROVIDED ALSO, That no Sale or Delivery which shall be made by Virtue of this Act shall be extended to create any further Term or Estate to the Vendees, Mortgagees or Creditors than the Lands or Hereditaments so sold or delivered shall appear to be mortgaged for by the said respective Mortgagees or defeazible Deeds.

Such Sale not to create any further Estate than, &c.

PROVIDED ALSO, That if any of the said Judgments which do or shall warrant the Awarding of the said Writs of Execution, whereupon any Lands, Tenements or Hereditaments have been or shall be sold, shall, at any time hereafter, be reversed for any Error or Errors, then, and in every such Case, none of the said Lands, Tenements or Hereditaments so as aforesaid taken or sold, or to be taken or sold upon Executions, nor any Part thereof, shall be restored, nor the Sheriff's Sale or Delivery thereof avoided, but Restitution in such Cases only of the Money or Price for which such Lands were or shall be sold.

The Lands, &c. not to be restored upon the Reversion of such Judgments, &c. but the Price of such Lands, &c. shall be repaid.

C H A P. CXLV.

An ACT about Arrests, and making Debtors pay by Servitude. Repealed, by an Act pass'd 3 Geo. II. entituled, *An Act for Relief of insolvent Debtors.*

C H A P. CXLVI.

An ACT for the Relief of the Poor.

FOR the better Relief of the Poor of this Province, BE IT ENACTED, &c. That the Justices of the Peace of the respective Counties of this Province, or any three, or more of them, shall, upon the Five-and-Twentieth Day of *March*, yearly, (unless that shall happen on the First-Day of the Week) and then on the Day following, meet at some convenient Place within their County, and there nominate and appoint one, two, or more (as the Case may require) of substantial Inhabitants of the respective Townships, and where Townships are small and Inhabitants few, two or more (as the Justices think fit) may be joined together within their County, to be Overseers of the Poor of the said Townships for the Year ensuing.

The Justices of the Peace of the respective Counties to appoint Overseers of the Poor; how and when.

A N D

AND BE IT FURTHER ENACTED

Said Overseers
to lay a Rate
of 1 d. per
Pound.

by the Authority aforesaid, That it shall and may be lawful for the Overseer or Overseers of the Poor so nominated and appointed, to make or lay a Rate or Assessment, after the Rate of *One Penny per Pound*, clear Value, of the real and personal Estates of all and every the Freeholders and Inhabitants within their respective Townships, to be employed for the Relief of poor, indigent and impotent Persons inhabiting within the said Township, in such Manner as by this Act is directed and appointed; and *Four Skillings per Head* on all Freemen not otherwise rated.

AND BE IT FURTHER ENACTED

To be allowed
by three
or more of
said Justices.

How the said
Overseers are
to proceed in
collecting the
same.

by the Authority aforesaid, That the said Overseers, before they proceed to the Collecting of the said Rate, shall procure the same to be allowed by three or more Justices of the Peace of the County wherein the said Tax is made. And if any Person or Persons, so rated or assessed, shall refuse to pay the Sum or Sums on them charged, that it shall and may be lawful to and for the said Overseer or Overseers (having first obtained a Warrant, under the Hands and Seals of two Justices of the Peace of the County where the said Assessment is made, who are hereby empowered to grant such Warrant) to levy the same on the Goods and Chattels of the Person or Persons so refusing; and in Case such Person shall not, within three Days next after such Distress made, pay the Sum or Sums on him assessed, together with the Charge of such Distress, that the said Overseer or Overseers may proceed to the Sale of the Goods distrained, rendring to the Owner the Overplus (if any) that shall remain on such Sale, reasonable Charges first deducted: And in Case such Person or Persons have no Goods or Chattels whereby they may be distrained, that then it shall be lawful for the said Justices to commit the Offenders to Prison, there to remain without Bail or Mainprize until they have paid the same.

In Case of
Aggrievances
to appeal to
the said Justices.

PROVIDED ALWAYS, That if any Person or Persons find themselves aggrieved with such Rate or Assessment, that then it shall be lawful for the Justices of the Peace, at their next General Quarter-Sessions, upon Petition of the Party, to take such Order therein as to them shall be thought convenient, and the same to conclude and bind all Parties; and the Overseer or Overseers shall forbear such Distress till the same be determined in the Quarter-Sessions.

AND

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Overseers shall lay the said Rate according to the best of their Skill and Judgment, wherein they shall be guided by the County Assessment on other Occasions, having due Regard to every Man's Estate, without Favour or Affection to any.

The Overseers to be guided by the County Assessment.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Father and Grand-Father, Mother and Grand-Mother, or the Children of every poor, old, blind, lame and impotent Person, or other poor Person not able to work, being of sufficient Ability, shall, at their own Charges, relieve and maintain every such poor Person, as the Justices of the Peace, at their General Quarter-Sessions shall order and direct, on Pain of forfeiting *Forty Shillings* for every Month they shall fail therein.

Fathers, &c. are obliged to maintain poor, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for the said Overseers of the Poor, by the Approbation and Consent of two or more Justices of the Peace, to set on work the Children of all such whose Parents shall not be, by the said Justices, thought able to maintain them; and also to put such Children out Apprentices, for such Term as they, in their Discretion, shall see meet.

Overseers to set to work poor Children and put them out Apprentices.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Person or Persons shall be admitted or entred into the Poor's Books, or receive Relief from the Overseers of the Poor, before such Person or Persons have procured an Order from two Justices of the Peace for the same: And in Case the said Overseers shall enter into their Books, or relieve any such poor Person or Persons, without such Orders, they shall forfeit all such Money or Goods paid or distributed, unless the Justices shall approve and allow them the same upon making up their Accounts.

No Person to receive Relief without Order, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Justices of the Peace of the said respective Counties shall, at least ten Days before the Twenty-fifth Day of *March*, yearly, issue out their Warrants, directed to the Overseers of the Poor of the respective Townships, within their County, commanding their said Overseers to appear before them on the said Day, and produce their Accounts of what Money they received

Overseers to settle their Accounts yearly and return the Names of two or more to succeed them.

Or serve another Year, or forfeit, &c.

And if any Person so chosen refuse to serve shall forfeit *5 l.* and how to be recovered.

and disbursed for the Use of the Poor, and also to return the Names of one, two or more (as the Place may require) of the sufficient Inhabitants of the respective Townships, to succeed them in that Office for the Year ensuing: And in Case the Overseers shall neglect to bring in such their Accounts, as also their Names of such sufficient Persons to succeed them in that Office the Year ensuing, such Person or Persons so neglecting shall serve in that Office one Year longer, or otherwise forfeit any Sum not exceeding *Fifty Pounds*, as the said Justices shall think fit and direct. And in Case the Person or Persons approved on and appointed by the said Justices to be Overseers of the Poor of any Township within the respective Counties, shall refuse to take upon him or them the said Office, and to do his or their Duty therein, he or they shall forfeit the Sum of *Five Pounds* each; which said Forfeitures shall go and be to the Use of the Poor of the Town or Place where such Neglect or Refusal shall be made, and shall be levied by the Constable, by Warrant from any two Justices of the Peace of the said County, under their Hands and Seals, on the Goods and Chattels of such Person or Persons so neglecting or refusing, and by the Constable sold within three Days next after such Distress made: And if there happen any Overplus upon Sale thereof, the same shall be paid to the Person or Persons to whom the same shall belong, reasonable Charges first deducted. And if such Person or Persons so neglecting or refusing as aforesaid, shall not have Goods or Chattels whereby he or they may be distrained as aforesaid, that then the said Justices may commit the Offender or Offenders to Prison, there to remain without Bail or Mainprize till the said Forfeitures shall be by them fully satisfied and paid.

AND BE IT FURTHER ENACTED

The Mayor and Aldermen of the City of *Philadelphia* have the same Power within, &c. as the said Justices.

by the Authority aforesaid, That the Mayor and Aldermen of the City of *Philadelphia* shall have the same Power and Authority, by Virtue of this Act, within the Limits and Precincts of their Jurisdictions, as well out of their Sessions as at their Sessions, as is herein limited, prescribed and appointed to the Justices of the Peace of the County.

C H A P. CXLVII.

An ACT for confirming the Sales of Lands by Attornies or Agents, and for ascertaining the Proof of Instruments or Writings made out of this Province.

WHEREAS divers Persons living out of this Province, are and have been Owners of Lands within the same, and such Persons have usually appointed Attornies to sell and dispose thereof: To the End therefore that those who have so purchased, and their Heirs and Assigns, forever hereafter be secured in their Titles and Estates, **BE IT ENACTED, &c.** That all Sales of Lands, Tenements and Hereditaments formerly made by any Attornies or Agents who have been appointed by any Person or Persons, who had Right so to do, and especially giving them Power or Directions therein to sell or convey Land, are and shall be deemed and adjudged good and effectual in Law to all Intents, Constructions and Purposes whatsoever, as fully as if the said Owners of such Lands had, by their own Deeds, Bargains and Sales, actually and really sold and conveyed the same; and all and singular the Lands, Tenements and Hereditaments sold and conveyed as aforesaid shall be and remain to such Purchasers respectively, their Heirs and Assigns forever, as they were or ought to have been to the Owner or Owners of such Land and Premises so employing his or their Attornies or Agents as aforesaid.

Sale of Lands, &c. by Attornies, shall be effectual in Law.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every Bonds, Specialties, Letters of Attorney, and other Powers in Writing, which shall be produced in any Court, or before any Magistrate in this Province, the Execution whereof being proved by two or more of the Witnesses thereunto, before any Mayor or chief Magistrate or Officer of the Cities, Towns or Places where such Bonds, Letters of Attorney, or other Writings, are or shall be made or executed, and accordingly certified under the common or publick Seal of the Cities, Towns or Places where the said Bonds, Letters of Attorney, or other Writings, are so proved respectively, shall be taken and adjudged as sufficient in Law as if the Witnesses therein named had been present, and such Certification shall be sufficient Evidence to the Court and Jury for the Proof thereof.

Bonds, &c. proved by two Witnesses before any Mayor, &c. and certified under common or publick Seal, &c. sufficient in Law.

AND

Sales of
Lands, &c.
hereafter by
Power of At-
torney, pro-
ved in this
Province,
shall be good.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Sales or Conveyances of Lands, Tenements or Hereditaments which shall hereafter be made by Virtue of any Letters or Powers of Attorney or Agency duly executed, which do or shall expressly give Power to sell Lands or other Estates, and be certified to have been proved as aforesaid, or shall be proved in this Province before any Justice of the Peace, by one or more of the Witnessees thereto, shall be good and effectual in Law to all Intents, Construtions and Purposes whatsoever as if the said Constituent or Constituents had by their own Deeds, Bargains and Sales actually and really sold and conveyed the same.

If such Sale
be made
while such
Power be in
Force.

PROVIDED ALWAYS, That no Sale of Lands, Tenements and Hereditaments made by Virtue of such Power or Powers of Attorney or Agency as aforesaid, shall be good and effectual, unless such Sale be made and executed while such Power is in force; and all such Powers shall be accounted, deemed and taken to be in force until the Attorney or Agent shall have due Notice of a Countermand, Revocation or Death of the Constituent.

C H A P. CXLVIII.

An additional ACT for the better preserving the High-Ways. See Chap. 55, and Chap. 57.

No Waggon,
Cart, &c. to
be drawn by
more than
three Horses
at length.

FOR the better Amending, Repairing and Preserving of the Highways, now generally spoiled by the extraordinary and unreasonable Lading of Waggons and other Carriages, and drawing the same with Horses at length, BE IT ENACTED, &c. That from and after the first Day of May, in the Year of our Lord One Thousand Seven Hundred and Six, no travelling Waggon, Wain, Cart, or other Sort of Carriage whatsoever, going from, or coming to the City of *Philadelphia*, between the Rivers of *Delaware* and *Schuylkil*, in the County of *Philadelphia*, wherein any Burdens, Goods or Wares are or shall be carried, shall at any one time travel, or be drawn, or go in any common or publick Highway or Road with above three Horse Beasts at length. And if any Person or Persons shall cause any such Waggon, Wain, Cart or Carriage to be drawn with a greater Number of Horses or Oxen, then

and

and in such Case the Horses or Oxen shall all draw in Pairs, That is to say, Two a-breast, for such a Number as they shall use, except one Horse; any Law, Statute or Usage to the Contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Owner of any Waggon, Cart, Carriage, Horse Beasts or Oxen offending contrary to this Act, being legally convicted before any one Justice of the Peace, by Proof of one credible Witness, or upon View of the Justice himself, shall forfeit for every such Offence the Sum of *Forty Shillings*, one half Part thereof to the Surveyor of the Highways where the Offence shall be committed, to be employed in Repair of the said Highway, and the other Moiety to him that shall discover the same: Which Fine shall be levied by the Constable of such Place or Division, or by any other Officer, by Warrant under the Hand and Seal of such Justice of the Peace, upon the Goods and Chattels of the Person so offending, rendering the Overplus to the Owner thereof, all necessary Charges in Levying the same being first deducted.

C H A P. CXLIX.

A Supplementary ACT to that about raising County Levies. Supplied, by the 11 Geo. I.

C H A P. CL.

An ACT to prevent the Running of Swine at large.

WHEREAS the Freeholders and Owners of Lands and Plantations, within this Province, have received great Damages and Spoil in their Corn-Fields, Meadows and Out-Lands, by Swine running at large without Rings and Yokes: For the Prevention whereof for the future, BE IT ENACTED, &c. That from and after the first Day of the twelfth Month, called *February*, next ensuing the Publication hereof, no Swine shall be suffered to run at large without Rings and Yokes, under the Penalty of forfeiting Half the Value thereof, to the Use hereafter expressed: Therefore if any Person or Persons who shall find on his, her or their Lands, within

No Swine to run at large without Rings and Yokes, within fourteen Miles of *Delaware*, on Forfeiture of such Swine.

How to act
herein.

fourteen Miles of the navigable Parts of the River *Dela-ware*, any Swine, Hog or Hogs, Shoat or Shoats, or Pigs, without Rings in their Noses, sufficient to prevent their turning up the Ground, and triangular or three corner'd Yokes or Bows about their Necks, and to extend at least six Inches from the angular Point or Corner, sufficient to keep them from Breaking through Fence, it shall and may be lawful for him, her or them, all such Swine, Hogs, Shoats or Pigs, to kill and take, or drive and take away, or cause them to be killed, taken, driven or carried away; and being so taken and carried away, the said Takers shall forthwith acquaint a Justice of the Peace thereof, and being by him legally attested, that the said Swine were taken as aforesaid without Yokes or Bows and Rings, the said Justice shall immediately appoint and order two indifferent Persons of the Neighbourhood to view and make a just and reasonable Appraisement of all such Swine, Hogs, Shoats or Pigs, and to make Return of their Value, Number and Marks unto the said Justice of the Peace, as soon as conveniently it may be done after such Appraisement, one Moiety or Half the Value whereof shall be forfeit to the Person or Persons Owners or Possessors of such Lands where found and taken; and he or they that shall take up such Swine as aforesaid shall pay unto the said Justice of the Peace, for the Use of the Owner or Owners of such Swine, the one Moiety or half Part thereof; and thereupon the Property of all such Swine shall be and remain in the said Owner or Possessor of Land as aforesaid, to his and their own proper Use forever.

The Justices
of Peace shall
make Publi-
cation of
Swine taken
up, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That such Justice of Peace shall make Publication thereof by a Paper affixed on his House, and on some Tree near the High-Road Side, declaring the Number, Marks and Appraisement of all such Swine, and by whom taken up, to the End that the Owners may have Notice thereof, unto whom the said Justice of the Peace shall pay the other Moiety or Half the Value of such Swine taken and appraised, he first Deducting out of the same *Two Shillings* for the Appraisers, and *Two Shillings* for the Justice's Clerk, for their Trouble therein. But if it so happen that the Moiety or half Part, as appraised, will not pay the said *Four Shillings*, then such Takers up shall pay what shall be wanting thereof.

PROVIDED NEVERTHELESS, That if no Person appear within twelve Months after Appraisalment as aforesaid to claim the Moiety or half Part of such Swine, that then the said Justice shall pay what Money he hath received (the Charges as aforesaid first deducted) unto the Overseer or Overseers of the Poor of the Township where taken up, for the Use of the Poor of the said Township, and the Owner of such Swine shall be thereupon debarred from any Claim or Right to the same; any Law, Usage or Custom to the Contrary in anywise notwithstanding.

And if no Owner appear in 12 Months, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall not be lawful for any Swine, Hogs, Shoats or Pigs to go at large in the Towns of *Philadelphia*, *Chester* or *Bristol*, whether yoked or ringed or not; but if any such shall be found Running at large after the first Day of the twelfth Month next ensuing, such Swine, Hogs, Shoats or Pigs shall be forfeited, one Half to him or them that shall take up the same, and the other Half to the Use of the Poor of the respective Towns, to be paid to the Overseer or Overseers accordingly, to the Use aforesaid: The said Town of *Bristol* being all the Space contained within half a Mile square from the Mill-Creek up the River *Delaware*.

No Swine to go at large in *Philadelphia*, &c. on Forfeiture.

C H A P. CLI.

An ACT for Collecting the Arrears of Two Thousand Pounds granted to the Proprietary. Expired.

C H A P. CLII.

An ACT directing the Qualifications of Magistrates and Officers, as also the Manner of giving Evidence. Repealed.

See the Act
pass'd the 3
Geo. II. enti-
tuled, An Act
for the Relief
of insolvent
Debtors, &c.

C H A P. CLIII.

An ACT for Regulating Elections of Sheriffs
and Coroners.

Freeholders
to elect She-
riffs and Coro-
ners for the re-
spective Coun-
ties; how
and when.

BE IT ENACTED, &c. That the Freemen and Inhabitants of the City and County of *Philadel-phia*, as also of the other Counties of this Province, at the Time and Place of Meeting for Electing their Representatives to serve in Assembly, shall, or may, yearly, choose a double Number of Persons to present to the Governor for Sheriffs and Coroners, in Manner following, That is to say, The Coroner of every County of this Province, or, in his Absence, the Persons appointed by the Electors of the said Representatives as Judges of their said Elections, without any other Warrant or Precept, as soon as the Elections of the Members of the Assembly is ended, shall, by the Consent of the said Freemen and Electors, or the greatest Part of them, cause a double Number of Persons to be chosen for Sheriff, by Majority of Votes; who shall be returned by Indentures between the Coroners or some other of the said Persons so officiating as Judges of the said other Elections, and six, or more of the Electors: Which Persons so elected for Sheriffs shall present themselves to the Governor, within two Days next after such Elections; and if the Governor will not, on or before the third Day after such Presentment, commissionate one of them so chosen and presented to him, the first Person named in the Return shall, by Virtue of this Act, stand and serve in the Office of Sheriff for one Year next after such Election, if he so long behave himself well, without any further or other Commission.

And a double
Number be-
ing chosen
shall present
themselves to
the Governor,
who shall
nominate one
on or before
the third Day,
or the first na-
med shall
stand.

In Case of
Refusal, Mis-
behaviour,
&c. the Go-
vernor shall
commission-
ate, &c.

BUT in Case the Persons elected for Sheriffs shall refuse to accept of the Office, or if, after any Sheriff doth accept, he shall be convicted for Misbehaviour in his Office, or shall depart this Life before the End of the Term for which he is or shall be chosen, then another sufficient Person shall be commissioned by the Governor from time to time to supply the Place of such as shall so refuse, misbehave himself, or be deceased as aforesaid, who shall act and continue in the Office of Sheriff to the End of the said Term of one Year, from the time he was commissioned, or until another be as aforesaid chosen in his stead.

AND

AND that the Sheriff of every County of this Province, or such other Person as shall be concerned to officiate as Judges of the said Election of Representatives, as soon as the Elections of the said Representatives and Sheriffs are ended, shall, in Manner aforesaid, cause a double Number of Persons to be chosen for Coroners, who shall be returned and presented to the Governor within two Days after such Elections; and if the Governor will not commissionate one of them so presented, the first named in the Return shall, by Virtue of this Act, stand and serve in the Office of Coroner, for one Year next after such Election, if he so long behave himself well, without any further or other Commission: But in Case the Persons so elected for Coroner refuse to accept of the Office, or if the Coroner accepting shall be convicted of official Misbehaviour, or be deceased before the End of the Term for which he is or shall be chosen, then another sufficient Person shall be commissioned by the Governor from time to time, to supply those Defects in Manner aforesaid.

A double Number shall be chose for Coroners, &c. and present themselves, &c.

BUT if the Freemen or Electors aforesaid shall at any time neglect or decline to chuse Persons for either or both the said Offices, then the Persons that are or shall be in the respective Offices of Sheriff and Coroner at the time of the said Elections shall remain therein until they shall be respectively removed by another Election, to be made in Manner aforesaid.

If the Freeholders neglect to chuse, the old Sheriff or Coroner shall stand.

PROVIDED ALWAYS, That before any Sheriff shall receive his Commission, or exercise any Part of his said Office, he shall, by himself or his Deputy put in sufficient Sureties into the Office of the Master of the Rolls of this Province, and there shall enter into Bond or Obligation, *to wit*, The Sheriff of the City and County of Philadelphia, in the Sum of Six Hundred Pounds, current Money of Pennsylvania; the Sheriff of the County of Bucks, in the Sum of Two Hundred Pounds, Money aforesaid; and the Sheriff of the County of Chester, in the Sum of Two Hundred Pounds, of like Money, upon Condition, *That he will well and faithfully perform his Duty and Trust in the said Office of Sheriff, according to the Tenor of the Affirmation, which he shall make for the due Execution of his Office.* AND that all the Bonds so to be given for Security as aforesaid shall be taken in the Queen's Name, and entred upon Record in the Master of the Rolls-Office aforesaid; but are hereby declared to be only in Trust to and for the Use of the Person or Persons concerned; and that when any of the said

The Sheriff shall give Security, &c.

How the said Bonds shall be taken, &c. and sued.

Bonds shall be put in Suit, and Judgment thereon obtained, the Judgment shall remain in the same Nature the Bonds were; and that no Execution shall issue out thereupon before the Person or Persons grieved shall, by *Scire facias*, or other Process, summon the Person or Persons against whom the Judgment aforesaid is obtained, to appear and shew Cause why Execution should not issue upon the said Judgment. And if the Plaintiff in the *Scire facias* shall prove what Damage he hath sustained, and thereupon a Verdict be found for him, the Justices, in such Cases, shall award Execution for so much as the Jury shall then find, and no more; and the former Judgment is hereby declared still to remain cautionary, for the Satisfaction of such other Person or Persons as shall legally prove themselves damnified, and recover their Damages as aforesaid by due Course of Law.

Every Sheriff and Coroner shall make and subscribe the Declarations and Professions, &c. before the Governor, or in open Quarter-Sessions, &c.

AND moreover, no Sheriff or Coroner whatsoever shall enter upon, or exercise any Part of their said respective Offices until they shall respectively make and subscribe the Declarations and Profession of their Christian Belief in the Act, entituled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections*, mentioned and required to be taken by Members of Assembly, and the solemn Affirmations and Declarations for the due Execution of their respective Offices, in Manner and Form as Sheriffs and Coroners by a Law of this Province, entituled, *An Act directing the Attests of Officers*, &c. are respectively required to take. All which Declarations, Tests and Affirmations shall be made, subscribed and taken before the Governor in chief, or Deputy for the time being, or in open Quarter-Sessions, or before any two Justices of the Peace out of Sessions in the respective Counties, where there may be Occasion to take the same. And the same Declarations, Tests and Affirmations so made and taken out of Sessions shall be, by the Justices, delivered into Court; and the Clerk of such Sessions is hereby required to record the same, as also those taken in Court, in Rolls or Books prepared for that Purpose.

Sheriff of the County of Philadelphia shall be Sheriff of the said City, and Water-Bailiff throughout the Province.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Sheriff and Coroner of the County of *Philadelphia*, shall be Sheriff and Coroner of the said City; and the Sheriff of the City and County of *Philadelphia* for the time being, shall be Water-Bailiff, and may execute and perform all Things belonging to the Office of Water-Bailiff upon *Delaware River*, and all other navigable

navigable Rivers and Creeks within this Province; and shall reside within the City of *Philadelphia* aforesaid.

PROVIDED ALSO, AND IT IS HEREBY DECLARED, That no Elections shall be made for any Sheriff or Coroner before the time limited for those who are at present in those Offices respectively shall be expired.

C H A P. CLIV.

An ACT for the better Proportioning the Rates of Money in Payments made upon Contracts, according to the former Regulation. Repealed.

C H A P. CLV.

An ACT for selling the old Court-House and Building a new Court-House and Prison in the County of Bucks. Obsolete.

C H A P. CLVI.

An ACT for Raising a Supply of Two Pence Half-Penny per Pound, and Ten Shillings per Head: Also for Granting an Impost and Laying an Excise on sundry Liquors, and Negroes imported into this Province, for Support of Government and Defraying the necessary publick Charges in the Administration thereof. Expired.

A N N O R E G N I
A N N Æ
R E G I N Æ
S E P T I M O.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Seventh Year of the Reign of our Sovereign Lady *ANNE*, Queen of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Eight, and continued by Adjournments: The following ACTS were passed by *CHARLES GOOKIN*, Esq; Lieutenant Governor under *WILLIAM PENN*, Esq; absolute Proprietary and Governor in chief of the said Province of *Pennsylvania*, &c. That is to say,

C H A P. CLVII.

An ACT for Ascertaining the Rates of Money for Payment of Debts, and preventing Exactions on Contracts and Bargains made before the first Day of May, in this present Year One Thousand Seven Hundred and Nine. Repealed.

C H A P. CLVIII.

An ACT for the better enabling divers Inhabitants of the Province of Pennsylvania to hold and enjoy Lands, Tenements and Plantations in the said Province.

Confirmed by the Queen in Council, February 20. Anno 1713.

WHEREAS by the Royal Charter to the Proprietary, for this Province, Licence is granted to all such as are not specially forbidden to transport themselves and Families unto the said Province, in such Shipping as, by the Laws of *England*, they ought to use, and fitting Provision, paying only the Customs therefore due; and here to settle themselves, dwell and inhabit, and plant for the Publick and their own private Advantage. And by the same Charter, the said Proprietary has full and absolute Power to alien, grant or enfeoff such Parts and Parcels of this Country as he should think fit, to him or them that should be willing to purchase the same, *To hold* in Fee-simple, or otherwise, with Licence, Authority and Power to take the Premises so purchased of the said Proprietary, hold the same to themselves, their Heirs and Assigns, in what Estate of Inheritance soever, as to him the said Proprietary should seem expedient, as by the said Royal Charter more fully appears.

AND WHEREAS divers of the Protestant or reformed Religion, who were Inhabitants of High and Low *Germany*, above Five-and-Twenty Years ago (out of a Desire to come under the Power and Protection of the Crown of *England*, and partake of the Advantages proposed for the Encouragement of the Adventurers to settle in this new Colony) imbraced the Invitations they had from the said Proprietary, to transport themselves and Estates here; and since they came, did contribute the utmost of their Power to enlarge this Part of the *English* Empire, and always behaved themselves as dutiful and peaceable Subjects, and several of them have made and subscribed the Declarations and Test by Law appointed, instead of the Oaths of Supremacy: The Rest are ready and willing to do it when they are required or admitted so to do.

N O W, forasmuch as the Value of Lands in this Province being generally but the Effect of the People's Labour, their Plantations are deemed, by our Laws, but as Chattels to pay Debts, and Strangers have been rendred capable to hold what they purchased as fully and freely as if they had been natural-born Subjects of this Province ; but since the Repeal of the late Laws, made after the Example of other Governments, for Encouragement of the Peopling and Settling of this Colony, some Doubts and Questions have arisen, whether the said *Germans* are capable to hold what they purchased as afore: For Removing of which Doubts, **BE IT ENACTED** by **CHARLES GOOKIN, Esq;** by the Queen's Royal Approbation Lieutenant Governor under **WILLIAM PENN, Esq;** Proprietor and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That *Francis Daniel Pastorius, John Fawart, Casper Hoodt, Dennis Kunders, and his three Sons, Cunrad Cunrads, Matthis Cunrads and John Cunrads, Dirk Keyser, and his Son Peter Keyser, John Lucken, William Strepers, Abraham Tunes, Lenart Arrets, Reiner Tysen, John Lenson, Isaac Dilbeck, and his Son Jacobus Dilbeck, John Doedon, Cornelius Siorts, Henry Sellen, Walter Simons, Dirk Jansen, jun. Richard Vander Werf, and his Son John Roeloffs Vander Werf, John Strepers, sen. Peter Shoemaker, Jacob Shoemaker, George Shoemaker, Isaac Shoemaker, Matthis van Bebber, Cornelius vander Geage, Peter Clever, George Gottshick, Paul Engell, and his Son Jacob Engell, Hans Neus, Reinier vander Sluys, and his Son Adrian vander Sluys, Jacob Gaetsbalek Vander Heggen, and his Son Gaetsbalek Vander Heggen, Casper Kleinboof, Henry Bucholtz, Hermon Tuynen, Paul Klinupges, and his Son John Klinupges, John News, and his Sons Matthis News and Cornelius News, Claus Ruttinghuysen, Casper Stalls, Henry Tubben, William Hendricks, and his Sons Hendrick Hendricks and Lawrence Hendricks, Henry Kesslbery, Johannes Rebenstock, Peter Verbynen, John Henry Kirsten, John Radwitzer, John Conrads, sen. John Gorgages, Senwes Bartells, and his Son Henry Bartells, John Krey, and his Son William Krey, Cunrad Jansen, Claus Jansen, and his Son John Jansen, William Jansen, Evert In Hoff, and his Sons Gerhard In Hoff, Herman In Hoff, and Peter In Hoff, Peter Jansen, John Smith, Thomas Eckleswick, Johannes Scholl, Peter Scholl, Gabriel Schuler, William Putts and Matthis Tysen, all of the County of Philadelphia ; and Johannes Bleikers, of the County of Bucks, in the said Province of Philadelphia ; and every of them,*

who

The Names
of the Persons
naturalized
by this Act.

who shall, within six Months after the first Day of *September*, *One Thousand Seven Hundred and Nine*, at some Court of Quarter-Sessions of the Peace for the County of *Philadelphia*, between the Hours of *Nine* and *Twelve* in the Forenoon, make and subscribe the Declarations and Profession of Faith, allowed to those that cannot swear, instead of Oaths of Supremacy and Allegiance; or shall otherwise qualify themselves as the Court shall require and the Law directs in such Cases (the Taking of which Qualifications, and the Making and Subscribing of the said Declarations and Professions, shall be entred on Record in the same Court; for the Doing whereof *One Shilling* shall be paid to the Clerk, and no more) all and every such Persons shall be enabled, and are, and every of them, are hereby enabled and adjudged able and capable to all Intents, Constructions and Purposes whatsoever, as well to demand, ask, have, hold and enjoy any Lands, Tenements, Plantations, Rents and Hereditaments, in this Province, to which they or any of them may or might in anywise be entituled, as if they were free and natural born Subjects and People of this Province: As also, that they and every of them shall and may be enabled to maintain, prosecute, avow, justify and defend all and all Manner of Actions, Suits, Pleas, Complaints, and other Demands whatsoever, in the said Province, as freely and fully, lawfully and securely as if they and every of them had been natural-born Subjects and People of the same, or any other Person or Persons born within this Province may lawfully do; any Law or Usage to the Contrary notwithstanding.

ANNO REGNI
 A N N Æ
 REGINÆ
 N O N O.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lady *ANNE*, Queen of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Ten, and continued by Adjournments to the Twenty-eighth of *February*: On which Day the following ACTS were passed by *CHARLES GOOKIN*, Esq; Lieutenant Governor under *WILLIAM PENN*, Esq; absolute Proprietary and Governor in chief of the said Province of *Pennsylvania*, &c. That is to say,

C H A P. CLIX.

An ACT for Establishing Courts of Judicature in this Province. Repealed.

C H A P. CLX.

An ACT for Regulating and Establishing Fees.
Repealed.

C H A P. CLXI.

An ACT for the Acknowledging and Recording
of Deeds. Repealed.

C H A P. CLXII.

An ACT directing an Affirmation to such who
for Conscience-sake cannot take an Oath. Repealed.

C H A P. CLXIII.

An ACT that no Publick-House or Inn within
this Province be kept without Licence. [See
postea Chap. 234.]

*This Act was
confirmed by the
Queen in Coun-
cil 28 Februa-
ry 1713.*

FOR preventing of Disorders and Mischiefs that
may happen by Multiplicity of Publick-Houses of
Entertainment, **B E I T E N A C T E D** by
CHARLES GOOKIN, Esq; by the Queen's Royal
Approbation Lieutenant Governor under **WILLIAM**
PENN, Esq; true and absolute Proprietary and Governor
in chief of the Province of *Pennsylvania*, by and with the
Advice and Consent of the Freemen of the said Province in
General Assembly met, and by the Authority of the same,
That no Person or Persons whatsoever, within this Province,
shall hereafter have or keep any publick Inn, Tavern, Ale-
House, Tipling-House or Dram-Shop, Victualing-House
or Publick-House of Entertainment, in any County of this
Province, or in the City of *Philadelphia*, unless such Person
or Persons shall first be recommended by the Justices in
the respective County Courts, and the said City in their
Quarter-Sessions or Court of Record for the said Counties
and City respectively, to the Lieutenant Governor for the
time being for his Licence for so doing, under the Penalty
of Five Pounds. And that no Person so licensed as aforesaid
shall knowingly suffer any Disorder, as Drunkenness or un-
lawful Games whatsoever, in such his, her or their Houses,
F f under

*No Person to
keep a pub-
lick House,
&c. without
Recommend-
ation to the
Governor for
Licence, on
Penalty of 5l.
nor suffer
Disorder, &c.
under Penalty
of 40 s.*

under the Penalty of *Forty Shillings*, for the first Offence; and for the second Offence, to be suppressed by the said Justices of the respective Courts; and that no such Innkeeper, Taverner, or other Person as aforesaid, shall presume to continue such publick House of Entertainment of his own Accord after such Suppression, or the Expiration of his Licence, without new Licence as aforesaid, under the Penalty of *Five Pounds*, one Half thereof to the Governor for the time being, towards the Support of this Government, and the other Half to the Use of the Poor of the respective Township or City where the Offence shall be committed.

This Act not to debar the Magistrates of the City of Philadelphia of Fines, &c.

PROVIDED ALWAYS, That nothing herein contained shall extend to debar or hinder the Magistrates of the City of *Philadelphia* to claim, have and enjoy all such Fines, Penalties and Forfeitures as shall be due or forfeited in the Quarter-Sessions or Court of Record to be held for the said City, which are granted them by Charter.

Innkeepers to keep good Entertainment, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all such Innkeepers as aforesaid shall keep good Entertainment for Man and Horse, under the Penalty of forfeiting *Forty Shillings*, for the Use aforesaid.

The Governor to receive for Licences, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Governor shall have and receive for every Licence to be granted by him, pursuant to this Act, to any Person to sell Wine, and other Liquors, in the City of *Philadelphia*, *Three Pounds*; and to sell all other Liquors in the said City (except Wine) the Sum of *Forty Shillings*. And for every Licence to any Person to sell Wine, and other Liquors, in the Towns of *New-Bristol*, *Frankford*, *Germantown*, *Darby*, *Chester* and *Chichester*, the Sum of *Forty Shillings*. And for every Licence to sell Wine, and other Liquors, in any other Part of this Province, the Sum of *Thirty Shillings*, and no more. And the Secretary shall have for Drawing such Licence, with the Seal, *Six Shillings*, and no more.

C H A P. CLXIV.

An ACT of Privileges to a Freeman, &c.
Repealed.

C H A P.

C H A P. CLXV.

An ACT against riotous Sports, Plays and Games. Repealed.

C H A P. CLXVI.

An ACT to prevent Disputes which may hereafter arise about the Dates of Conveyances, and other Instruments and Writings.

WHEREAS the Generality of the Inhabitants of this Province do conscientiously scruple to call the Names of the Months as they are usually called; but the Month which others call *March*, they call the *First Month*, and the Month, commonly called *April*, the *Second Month*, and so of the rest of the Months of the Year; and the Dates of many Deeds, Conveyances, and other Writings, as well as the Times of Payment of Money, are accordingly mentioned and expressed. Now forasmuch as Disputes and Controversies may hereafter arise concerning the Premises, **BE IT THEREFORE ENACTED**, &c. That all Deeds, Conveyances, Mortgages, Letters of Attorney, or Powers of Agency, Commissions, Bonds, Bills, Charter-Parties, Leases, Releases, Contracts, Articles, Receipts, and all other Instruments and Writings whatsoever, wherein the Names of the Months are called *First, Second, Third, Fourth*, instead of *March, April, May, June*, and so of the rest, always accounting the Month called *March* to be the first Month of the Year, shall and are hereby enacted and declared to be as good and available, and may be pleaded, and shall be deemed, adjudged and taken in all Courts of Judicature, and elsewhere within this Province, to be as valid and effectual in Law, to all Intents, Constructions and Purposes, as if the Months in such Writings had been set down and expressed by their usual Names; any Law, Custom or Usage to the Contrary thereof in anywise notwithstanding.

The Names of Months distinguished by first, second & third, &c. to be good and effectual in Law.

C H A P. CLXVII.

An ACT for Priority of Payment of Debts to the Inhabitants of this Province. Repealed.

C H A P. CLXVIII.

An ACT for the better Improving a good Correspondence with the Indians. Expired,
28 February 1723.

C H A P. CLXIX.

An ACT for Regulating of Party-Walls and Buildings in Philadelphia. Repealed.

C H A P. CLXX.

An ACT empowering Commissioners to compel the Collecting of all Arrearages of former Taxes. Expired.

C H A P. CLXXI.

An ACT for Raising a Supply of Two Pence per Pound, and Eight Shillings per Head. Expired.

C H A P. CLXXII.

An ACT for laying a Duty on Negroes, Wine, Rum, and other Spirits, Sider and Vessels. Repealed and Expired.



An ACT pass'd in the Tenth Year of Her Majesty's Reign, in August, One Thousand Seven Hundred and Eleven, viz.

C H A P. CLXXIII.

An ACT for Raising Two Thousand Pounds for the Queen's Use, by a Tax of Five Pence Half-penny per Pound, and Twenty Shillings per Head. Supplied by another Act pass'd the 27th of March, One Thousand Seven Hundred and Thirteen. Confirmed by the Queen.

ANNO REGNI
 A N N Æ
 REGINÆ
 DECIMO.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fifteenth Day of *October*, in the Tenth Year of the Reign of our Sovereign Lady *ANNE*, Queen of *Great Britain*, &c. Annoq; Domini One Thousand Seven Hundred and Eleven, and continued by Adjournments to the Seventh of *June*, One Thousand Seven Hundred and Twelve: On which Day the following ACTS were passed by *CHARLES GOOKIN*, Esq; Lieutenant Governor under *WILLIAM PENN*, Esq; absolute Proprietary and Governor in chief of the said Province of *Pennsylvania*, &c. That is to say,

C H A P. CLXXIV.

An ACT confirming Patents and Grants.
 Repealed.

C H A P. CLXXV.

An ACT for the better ascertaining the publick Debts, and Collecting the Arrears of County Levies. Repealed, by an Act pass'd the 11 Geo. I. postea Chap. 259.

C H A P. CLXXVI.

This Act was confirmed by the Queen in Council 20 February 1713.

An ACT for raising Money on the Inhabitants of the City of Philadelphia, for the publick Use and Benefit thereof.

WHEREAS there is a great Occasion of a publick Stock to pay the just Debts, and defray the necessary Charges of the said City, for building a Work-house of Correction, building and repairing Free-Wharffs and Bridges, Pitching, Paving and Regulating the Highways, Streets and Water-Courses, making and erecting new and convenient Stalls and Shambles to accommodate Butchers, and all others that bring Goods to sell in the said City: And inasmuch as the Incorporating the said City hath so far limited the Magistracy of the County of *Philadelphia* that the Laws for Raising of the County-Levies cannot, without the Help of this Act, be so aptly and effectually put in Execution within the said City as before, and the Rule and Government of the said City requiring a Charge which may not immediately concern the rest of the County; **BE IT THEREFORE ENACTED,**

That from henceforth the Inhabitants and Freeholders of the said City of Philadelphia, who are qualified by the Laws of this Province to elect or be elected Members of Assembly, at the Time and Place by Law appointed, or to be appointed for Electing their Representatives to serve in Assembly, or the Day following, unless it happen on the First-Day, and then on the Day next ensuing, shall or may choose six of the said Inhabitants and Freeholders to be the Assessors of the said City; and when so chosen the Sheriff of the said City shall take their Names in Writing, under the Hands and Seals of at least six or more of the said Inhabitants and Freeholders, and return or certify the same to the Mayor, Recorder and Aldermen of the said City for the time being at their General-Sessions of the Peace next after such Election.

The Freeholders of Philadelphia to choose six Assessors, &c.

AND

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That the Mayor, Recorder and Aldermen of the said City, at their General-Sessions of the Peace, to be held in the Month called *April*, yearly, or oftner, if occasion be, with the Assistance of the said Assessors for the time being, or any four of them, shall calculate the publick Debts and Charges of the City, allowing all just Dues and Demands wherewith the Persons and Estates within the said City are or may be chargeable from time to time; as also shall calculate what Sum or Sums of Money may be needful and necessary to be raised upon the Persons and Estates aforesaid from time to time, for the Building, Repairing, Regulating or Amending of any Houses, Bridges, Wharffs, Water-Courses, or other Uses, for the publick Service and Benefit of the said City; and shall also agree and settle, from time to time, as Occasion may require, what Sum or Sums of Money, or other Effects, shall be applied to the Service of every particular Matter or Thing which they, or the major Part of the said Magistrates, with any four of the said Assessors, shall agree on to be necessary to be raised for the Year ensuing: Which said respective Sums, with the particular Uses whereunto they shall be agreed on to be appropriated as aforesaid, shall be entred in a Book to be kept for that Purpose by the Clerk of the Peace of of the said City, who is hereby obliged to make such Entry from time to time, for which he shall be allowed what the Magistrates and Assessors shall think reasonable: And that the said Assessors shall, within six Weeks after every such Calculation, make or lay a Rate or Assessment upon themselves, and all other Persons and Estates aforesaid, to and for the aforesaid Uses, by Poll and Pound Rate, according to the Manner and Method now used in making Assessments in this Province for Raising of County Levies.

The Mayor, &c. with the Assessors shall calculate the publick Debts, &c. and what Sums of Money are necessary, &c.

and then in six Weeks after lay a Rate, &c.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That the Constables of the said City shall bring in Returns in Writing to the said Assessors, within five Days after Notice given them, of the Names and Estates of all Persons within their Wards; for which they shall be allowed *Two Pence per Pound* upon every Sum assessed in their said respective Wards: Which Assessment being equally and impartially laid and sign'd by at least four of the said Assessors, shall be allow'd and confirm'd by the said Mayor, Recorder, and any two of the Aldermen for the time being, under their Hands and Seals, and shall be paid by every Person and Estate so assessed, upon Demand

The Constables to bring in Returns, &c. and their Allowance for the same.

The Assessment to be allowed by the Mayor, &c.

made

thereof, by the Collectors; who shall, by the said Assessors, or in Case they neglect, then by the said Mayor, Recorder and Aldermen, be appointed to gather the same; and in Case of Refusal or Neglect, shall, by Warrant under the Hands and Seals of any three or more of the said City-Magistrates, be levied by Distress and Sale of the Goods of every Person so assessed, and not paying the same within fourteen Days after Demand; rendering the Overplus of the Value of the Goods so distrained to the Owner or Owners thereof, Deducting the Charge of such Distress: But for want of Distress the said Assessments to be levied by Imprisonment of the Person so refusing or neglecting to pay as aforesaid.

Vide *County-Levy Act.*

PROVIDED ALWAYS, That no such Assessment or Assessments to be made in any one Year shall exceed the Value of *Two Pence* in the Pound of the clear Value of the Lands, Tenements, Hereditaments and personal Estate so assessed; and *Four Shillings per Head*, in Proportion to *One Penny per Pound Tax*, on all single Men, Inhabitants of the said City, not otherwise rated by this Act.

PROVIDED ALSO, That those who are not rateable or liable to be taxed for Relief of the Poor, within the said City, shall not be rated or assessed by this Act.

The Assessors to appoint a Treasurer; and his Duty.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Assessors shall appoint a Treasurer in the said City; who shall keep a distinct Book, containing a particular Account of all the Rates and Assessments made as aforesaid; as also all Disbursements and Payments, which he shall make by order of the Mayor, Recorder, and any four of the said City-Magistrates, whose Order to the said Treasurer from time to time shall be sufficient for the Payment of such Monies as shall come into his Hands from the said Collectors.

Who shall, yearly, adjust his Accounts The Magistrates, &c. to allow for his Trouble.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Treasurer shall, on the Twenty-fifth Day of the Month called *March*, yearly, or oftner, if Occasion be, bring in his Accounts, and settle and make them up before the said Magistrates and Assessors, or such as they shall appoint: At the Auditing of which Accounts, all or any of the said Inhabitants and Freeholders, that are willing, may be present. And the said Treasurer shall have for his Trouble therein as much

as the said Magistrates and Assessors shall agree to allow him. And the said Assessors shall be allowed *Three Pence* Allowance to the Assessors. *per Pound* for all the Sums levied, and to be collected by Virtue of this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Money and Effects gathered and received by the said Collectors, within their respective Limits, by Virtue of this Act, shall from time to time be duly paid to the said Treasurer or Treasurers, whose Receipts shall be the Collectors sufficient Discharges. Collectors to pay the Money, &c. they gather, to the Treasurer.

PROVIDED ALWAYS, That the said Collectors shall forthwith, after every such Assessment made as aforesaid, give Notice to the said Freeholders and Inhabitants of the said City, or in their Absence, to some or one of their Families or Neighbours, of the respective Sums they are rated, and acquaint them with the Day and Place of Appeal, in Case they shall be aggrieved with such Assessment: Which said Day of Appeal shall be at some convenient Place in the said City, to be appointed by the Assessors that laid the said Tax, the same Day four Weeks after the said Assessment is laid. And the said Assessors shall have due Regard to all such Appeals, and thereupon to abate or increase the said Assessment, according as the Appealants shall appear to be worth, either upon their own Attest, or Proof of others. And give Notice to the Freeholders of the Day of Appeal, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That from and immediately after the said Appeals have been heard and considered as aforesaid, it shall and may be lawful to and for the said Collectors to proceed in Collecting and Levying the said Rates and Assessments; for the Collecting whereof they shall retain and keep in their Hands *Six Pence* in the Pound of all such Money as they shall so collect, and no more. And if the said Collectors, or any of them, shall refuse or neglect to collect the said Assessments respectively, or any Part thereof, and pay the same unto the Treasurer, within three Months after the said Appeals have been heard and considered as aforesaid, every such Collector so refusing or neglecting shall forfeit and pay to the said Treasurer, for the Use of the said City, the Sum of *Five Pounds*, and shall also pay all the Arrearages of such Assessments which he was appointed to collect: Which shall be levied by a Warrant under the Hand of the Mayor for the time being, and After the Day of Appeal the Collectors to proceed to levy the said Rates. Their Allowance. The Penalty on Refusal or Neglect.

Seal of the said City, directed to the Sheriff, who is hereby impowered and obliged to execute such Warrant upon the Goods and Chattels of the Party so offending. And in case Goods and Chattels, sufficient to make Satisfaction, cannot be found, then to imprison such Offender until Payment made. And every Collector being so distrained on, and having made full Satisfaction as aforesaid, is hereby impowered, without any other Warrant, to distrain, for his own Use, upon all such as shall refuse or neglect to pay the said Arrearages.

AND BE IT FURTHER ENACTED

On Neglect of choosing Assessors the Mayor, &c. shall act. by the Authority aforesaid, That if at any time the Inhabitants and Freeholders of the said City shall neglect to choose Assessors as aforesaid, or if when chosen, they do not attend their Service as above directed, then the Mayor, Recorder and Aldermen of the said City for the time being, together with the Grand-Inquest of the said City, may and shall perform the respective Offices and Duties of the said Assessors, as fully and amply as they might or could do by Virtue of this Act.

The Inhabitants of Philadelphia, to be rated in Proportion with the County, in County-Taxes.

PROVIDED ALWAYS, That nothing herein contained shall exempt the Inhabitants of the said City from being rated or assessed in Proportion with the Inhabitants of the County of *Philadelphia*, to pay what is or shall be due for making and repairing of Bridges, in the Queen's High-Road, over any Rivers or Water where the Tide flows, within the said County, or from paying their Proportion of Assembly-Men's Wages due or to be due from the Inhabitants of the said County from time to time, over and besides their paying the two Members of Assembly chosen to represent the said City; or from paying for the Moiety of the Arrearages now due for Wolves Heads, wherewith the said County shall be justly chargeable; but that all Persons and Estates as aforesaid, within the said City, shall be liable to pay the respective Rates hereafter to be assessed on them from time to time, for the Purposes aforesaid; any thing herein contained to the Contrary notwithstanding.

C H A P. CLXXVII.

An ACT for the better Government of the City of Philadelphia. Repealed.

C H A P. CLXXVIII.

An ACT concerning the Register-General's Office. *This Act was confirmed by the Queen in Council, the 20th of the 12th month 1713.*
[Vide Chap. 125, 188.]

WHEREAS by a Law of this Province made in the Year One Thousand Seven Hundred and Five, entituled, *An Act concerning the Probates of written and nuncupative Wills, and for confirming Devises of Land*, it is among other Things enacted, that there should be an Officer called Register-General, to be commissioned by the Governor from time to time, for the Probate of Wills, and Granting Letters of Administration in this Province; which Register-General should keep his Office at *Philadelphia*; and should from time to time constitute a sufficient Deputy to officiate for him in each of the other Counties of this Province: But inasmuch as no Register has been commissioned and Deputies constituted in each County, as the said Act directs: **BE IT THEREFORE ENACTED, &c.** That the said Proprietary and Governor in chief, or his Lieutenant Governor for the time being, shall, on or before the first Day of the Month called *August* next, commissionate a Register-General for the Probate of Wills and Granting Letters of Administration in this Province. But in case of the Removal of such Register-General, by Death or otherwise, then another fit Person shall, within three Weeks after such Removal, be commissioned as aforesaid, in the Room of the Register-General so removed, who shall keep his Office at *Philadelphia*, as the said Act directs, and shall from time to time constitute a sufficient Deputy to officiate for him in each of the said other Counties; who, being by him deputed, shall be and are hereby impowered to take Probate of Wills and grant Letters of Administration in the respective Counties, and to have a common Seal, according to the Tenor and Direction of the said Act.

The Proprietary to commissionate a Register-General.

Who shall keep his Office in *Philadelphia*, and appoint a Deputy in each County.

PROVIDED ALWAYS, That if the said Proprietary, or his Lieutenant Governor, shall refuse or neglect to commissionate a Register-General from time to time, as this Act directs, then the Commissioners, Agents or Stewards of the said Proprietary, his Heirs or Assigns, who are or shall be impowered to act for him or them in Matters relating to the Seigniorship or Propriety of this Province, shall commissionate a Register-General, within three Weeks after the time hereby appointed for the Governor to

The Proprietary refusing to commissionate, then his Commissioners, &c. shall.

And if they
refuse, then
the Justices
shall.

to do the same. But if the said Commissioners, Agents or Stewards shall refuse or neglect to do their Duty therein, according to the Direction of this Act, then the Justices of the Court of Common-Pleas for the said County of *Philadelphia* for the time being, or the major Part of them, shall, as often as there may be Occasion, commissionate the said Officer, called Register-General, at *Philadelphia*; who shall be, and is hereby impowered and required to officiate as fully and effectually as any Register-General ever could or can do, according to the Powers granted by the Royal Charter, or by Virtue of the said Act.

AND BE IT FURTHER ENACTED

The Register-
General shall
give 500 l. Se-
curity, &c.

by the Authority aforesaid, That before any Register-General, or his Deputy, shall enter upon their respective Offices, he shall find one or more sufficient Sureties, together with himself, to become bound to the said Proprietary, his Heirs and Assigns, Proprietaries of this Province, in a Bond of the Penalty of *Five Hundred Pounds*, for the true and faithful Execution and Discharge of his Office, and for the Delivery of the Records, and other Writings, belonging to the same, by him, his Heirs, Executors or Administrators, to his Successor in the said Office, whole and undefaced: Which said Bond shall be entred on Record in the Office of the Prothonotaries or Clerks of the said Court of Common-Pleas in the said respective Counties, to be safely kept by them, and to be made Use of as the said Act directs.

And the
Bond to be
entred upon
Record.

AND BE IT FURTHER ENACTED

The Register,
with two or
more Justices,
shall decide
Caveats, set-
tle Accounts
and make Dis-
tributions.

by the Authority aforesaid, That where Objections are made, or Caveats entred against the proving of any Will or Granting Letters of Administration; and where there is or shall be Occasion to take the final Accounts of Executors or Administrators, or make Distribution of Decedents Estates, the Register-General, and his Deputies, respectively, shall, in every such Case, call to their Assistance two or more of the Justices of the said Courts of Common-Pleas for the County where they are concerned, who are hereby impowered and required to give their Assistance accordingly, to decide the said Caveats and Matters in Controversy, settle the said Accounts, make Distributions, and do all other judicial Acts as do or shall belong, or ought of Right to be done by any Person or Persons having Power by Law to take Probate of Wills, and grant Administration.

AND

AND when the Register-General or his Deputies for the time being are, by the Duty of their Office, required to administer Oaths in any Case, and shall happen to be such who for Conscience-sake cannot administer Oaths, they shall apply to some of the said Justices in the proper County, who are hereby impowered and required to administer the same; which shall be as effectual in Law as if it had been administered by the Register-General or his Deputies respectively.

Where the Register cannot administer Oaths, he may apply to any Justice, &c.

PROVIDED ALWAYS, That nothing in this Act contained shall extend or be construed to extend to annihilate or make void the above recited Act, or any Part thereof, save only what is hereby expressly altered and supplied, but that the same Act, in every other Respect, shall remain and be in full Force and Virtue as the same ought to have been in, if this Act had not been made; any thing herein before contained to the Contrary in anywise notwithstanding.

C H A P. CLXXIX.

An ACT for impowering Religious Societies to buy, hold and enjoy Lands, Tenements and Hereditaments. Repealed.

C H A P. CLXXX.

A Supplementary ACT to a Law about the Manner of giving Evidence. Repealed.

C H A P. CLXXXI.

An ACT for Establishing the Lower-Ferry on the River Skuylkil. Expired.

C H A P. CLXXXII.

An ACT for Establishing and Regulating of Ferries over Delaware-River and Neshaminy-Creek. Expired, but supplied by other Acts.

C H A P. CLXXXIII.

An ACT to prevent the Importation of Negroes and Indians unto this Province. Repealed.

C H A P. CLXXXIV.

This Act was confirmed by an Order of the Queen in Council, the 20th of the 12th month 1713.

An ACT for the further securing the Administration of the Government.

Upon the Death of the Lieutenant Governor, the eldest Counsellor, with other four shall have the full Power of a Governor, Legislation excepted.

WHEREAS it is of the greatest Importance to Well-being of any Country, to be provided of a regular and plenary Administration of Government in all Emergencies ; and considering the Uncertainty of human Life renders all Government liable to Changes that may carry great Inconveniencies with them, unless due Provision be made against the same; **BE IT THEREFORE ENACTED, &c.** That in Case it shall please Almighty GOD at any time, in the Absence of the Governor-in-chief of this Province, to remove his Lieutenant by Death, or otherwise, before such sufficient Provision be made by the Governor-in-chief for the full Administration of Government ; the Governor's Council, that are in Place at the time of such Lieutenant's Death or Departure out of this Government, or so many of them as conveniently can, shall forthwith meet at *Philadelphia* ; and the first named or eldest Counsellor, or in case of his Absence or Refusal, such other Member of Council as a Majority then present shall chuse and appoint, with any four more of the said Counsellors, shall be a Quorum ; and shall have the full Power and Authority of a Governor of this Province, as effectually as any Deputy or Lieutenant, commissioned by the Governor-in-chief, may or ought to have ; and shall accordingly act and exercise all the Powers of Government as fully and amply as any Deputy or Lieutenant Governor of this Province may, can or ought to do, Legislation excepted, until the said Lieutenant Governor's Return again, or until another Person or Persons shall be duly commissioned and empowered by the said Governor in chief, or his Heirs, to act in their Stead.

AND

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the President, or first named Member of Council, that shall succeed at the time of such Death or Absence as aforesaid, shall, at their first Meeting, order that due Notice thereof be transmitted by the first Opportunity to one of the Secretaries of State in Great Britain, and to the Board of Trade and Plantations; and also to the Governor-in-chief of this Province.

And the President, or eldest Counsellor shall cause due Notice thereof to be transmitted home.

PROVIDED ALWAYS, That in case the Governor-in-chief shall not, within six Months after such Death or Absence of the Lieutenant Governor, nominate another Person to be his Lieutenant Governor, and obtain his Approbation from the Queen, or her Successors; then the Power of Lieutenancy intended by this Act to be lodged in the Council, shall remain and continue, until the Governor-in-chief make further Provision as aforesaid, or until the Queen's Pleasure be known therein, and no longer.

If no Governor be nominated by, &c. in six Months, the Power of Lieutenancy to be lodged in the Council until, &c.

PROVIDED ALSO, That in case the said Governor-in-chief shall happen to be removed by Death, or otherwise, then it shall and may be lawful for his Deputy or Lieutenant for the time being, to exercise all the Powers of Government as fully and amply as before, till further Order from her Majesty, her Heirs or Successors, or the Heirs of the said Proprietary and Governor-in-chief, which shall first happen.

If the Governor-in-chief die, the Power to continue to his Lieutenant until, &c.

C H A P. CLXXXV.

A Supplementary ACT to an Act, entituled, An Imposit Act, laying a Duty on Negroes, Rum, Wine, Spirits, Syder and Vessels, &c. Expired.

A N N O R E G N I
A N N Æ
 R E G I N Æ
 U N D E C I M O.

At a GENERAL ASSEMBLY begun
 at *Philadelphia*, in the Province of
Pennsylvania, the Fourteenth Day
 of *October*, in the Eleventh Year of
 the Reign of our Sovereign Lady
ANNE, Queen of *Great Britain*,
&c. Annoq; Domini One Thousand
 Seven Hundred and Twelve, and
 continued by Adjournments to
 the Twenty-seventh of *March*,
 One Thousand Seven Hundred
 and Thirteen: On which Day the
 following ACTS were passed by
CHARLES GOOKIN, Esq;
 Lieutenant Governour under
WILLIAM PENN, Esq; *&c.*
 That is to say,

C H A P. CLXXXVI.

*An ACT for reviving, explaining and continuing
 several Laws in this Act mentioned. Expired.*

C H A P. CLXXXVII.

An ACT for Limitation of Actions.

BE IT ENACTED by CHARLES GOOKIN, Esq; Lieutenant Governor, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all Actions of Trespas *Quare clausum fregit*, all Actions of Detinue, Trover and Replevin, for taking away Goods and Cattle, all Actions upon Account and upon the Case (other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants) all Actions of Debt, grounded upon any Lending, or Contract without Specialty, all Actions of Debt for Arrearages of Rent (except the Proprietaries Quit-Rents) and all Actions of Trespas, Assault, Menace, Battery, Wounding and Imprisonment, or any of them, which shall be sued or brought at any time after the Five-and-Twentieth Day of *April*, which shall be in the Year of our LORD One Thousand Seven Hundred and Thirteen, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after, *That is to say*: The said Actions upon the Case (other than for Slander) and the said Actions for Account, and the said Actions for Trespas, Debt, Detinue and Replevin for Goods or Cattle, and the said Actions of Trespas *Quare clausum fregit*, within three Years after the said Five-and-Twentieth Day of *April* next, or within six Years next after the Cause of such Actions or Suit, and not after.

These Actions to be sued within six Years after the Cause of such Actions, and not after.

AND the said Actions of Trespas, of Assault, Menace, Battery, Wounding, Imprisonment, or any of them, within one Year next after the said Twenty-fifth Day of *April* next, or within two Years next after the Cause of such Actions or Suit, and not after; and the said Actions upon the Case for Words within one Year next after the Words spoken, and not after.

And those within one Year.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if in any of the said Actions or Suits, Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alledged in Arrest of Judgment, the Judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ or Bill, then, and in every such

If Judgment be given for the Plaintiff, and reversed, he may commence a new Action within one Year.

Cafe the Party Plaintiff, his Heirs, Executors or Administrators (as the Cafe may require) may commence a new Action or Suit from time to time, within a Year after such Judgment reversed or given against the Plaintiff as aforesaid, and not after.

AND BE IT FURTHER ENACTED

Where a Disclaimer shall be allowed.

by the Authority aforesaid, That in all Actions of Trespass, *Quare clausum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim in his or their Plea to make any Title or Claim to the Land in which the Trespass is by the Declaration supposed to be done, and the Trespass be by Negligence or involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespass was by Negligence or involuntary, and a Tender or Offer of sufficient Amends for such Trespass, before the Action brought, whereupon or upon some of them, the Plaintiff or Plaintiffs shall be enforced to join Issue; and if the said Issue be found for the said Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, the Plaintiff or Plaintiffs shall be clearly barr'd from the said Action or Actions, and all other Suit concerning the same.

AND BE IT FURTHER ENACTED

In Actions of Slander where the Damages is found under 40 s. the Costs shall be the same.

by the Authority aforesaid, That in all Actions upon the Cafe for slanderous Words, to be sued or prosecuted by any Person or Persons, in any Court within this Province, after the said Twenty-fifth Day of *April* next, if the Jury upon Trial of the Issue in such Action, or the Jury that shall enquire of the Damages, do find or assess the Damages under *Forty Shillings*, then the Plaintiff or Plaintiffs in such Action shall have and recover only so much Costs as the Damages so given or assessed do amount unto, without any further Increase of the same; any Law or Usage to the Contrary notwithstanding.

An Action may be brought against one under Age, &c. within the time limited, after he come to Age, &c.

PROVIDED NEVERTHELESS, That if any Person or Persons, who is or shall be entitled to any such Action of Trespass, Detinue, Trover, Replevin, Actions of Account or Debt, Actions for Trespass, for Assault, Menace, Battery, Wounding or Imprisonment, Actions upon the Cafe for Words, be, or at the Time of any Cause of such Action, given or accrued, fallen or come, shall be, within the Age of Twenty-one Years, *Feme Covert*, *Non compos mentis*, imprisoned or beyond Sea, that then such

such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are hereby before limited, after their coming to or being of full Age, Discoverture, of sound Memory, at large, or returning into this Province, as other Persons.

C H A P. CLXXXVIII.

An ACT for Establishing Orphans Courts.

WH E R E A S by certain Laws of this Province now in force, several Matters of great Importance are directed to be done by the Orphans Courts, which being discontinued by the Repeal of the former Law of Courts, and not hitherto revived, nor effectually supplied by another Law, divers Orphans and Persons concerned for them, or intrusted with their Estates, labour under great Inconveniencies; **B E I T T H E R E F O R E E N A C T E D, &c.** That the Justices of the Court of General Quarter-Sessions of the Peace in each County of this Province, or so many of them as are or shall be from time to time enabled to hold those Courts, shall have full Power, and are hereby impowered, in the same Week that they are or shall be by Law directed to hold the same Courts, or at such other Times as they shall see Occasion, to hold and keep a Court of Record in each of the said Counties; which shall be stiled, *The Orphans Court*, and to award Process, and cause to come before them, all and every such Person and Persons, who, as Guardians, Trustees, Tutors, Executors, Administrators, or otherwise, are or shall be intrusted with or anywise accountable for any Lands, Tenements, Goods, Chattels or Estate belonging or which shall belong to any Orphans or Persons under Age, and cause them to make and exhibit, within a reasonable Time, true and perfect Inventories and Accounts of the said Estates; and to cause and oblige the Register-General, or such Person or Persons as for the time being shall have the Power of Probates of Wills and Granting Letters of Administration in this Province, or their Deputies, upon Application made in that Behalf, to bring or transmit into the Orphans Court true Copies or Duplicates of all such Bonds, Inventories, Accounts, Actings and Proceedings whatsoever, now or hereafter remaining or being in the respective Offices, or elsewhere within the Limits of their Authority, as do or shall concern or relate to the said Estates, or any of them; and

*See Chap. 127.
Act for settling
Intestates E-
states.*

*The Justices
of the Court
of Quarter-
Sessions to
hold the Or-
phans Court.
Their Power
and Duty.*

and to order the Payment of such reasonable Fees for the said Copies, and for all other Charges, Trouble and Attendance which any Officer or other Person shall necessarily be put upon in the Execution of this Act, as they shall think equitable and just. And if upon Hearing or Examination thereof it appears to the Justices of the said Court, that any of the said Officers have misbehaved themselves to the Prejudice of any Minor, or others concerned for them as aforesaid, the said Justices are hereby required to certify the same accordingly, which shall be good Evidence for the Party grieved to recover his Damages at common Law.

Letters of Administration, without giving Bond, are void.
The Penalty for doing the same.

AND where any Letters of Administration shall be granted, and no Bond with Sureties given as the Law in that Case requires, such Letters of Administration shall be and are hereby declared to be void and of none Effect, and that the Officer or Person that grants the same, and his Sureties, shall be, *ipso facto*, liable to pay all such Damages as shall accrue to any Person or Persons by Occasion of Granting such Administration. And the Party to whom the same shall be so granted, may be sued as Executor in his own Wrong, and shall be so taken and deemed in any Suit to be brought against him for or by Reason of his said Administration. Or if, upon such Examination, it appears that any of the said Officers have not taken sufficient Sureties, where the Administrators may not be of Ability to answer or make good the Value of what the Decedent's Estate doth or shall amount to, then the said Justices of the Orphans Court are hereby required and empowered to cause all such Administrators to give better Security to the Register-General, by Bonds, in Manner and Form as the Law prescribes, and under such Penalties, and with such Sureties as the said Justices, after they have heard the Objections of Creditors or Persons concerned (if any such be made to the Court) shall approve of. And if it appears that any of the said Administrators have imbezelled, wasted or misapplied or suffered so to be, any Part of the Decedent's Estates, or shall neglect or refuse to give Bonds, with Sureties as aforesaid, then, and in every such Case, the said Justices shall forthwith, by their Sentence, revoke or repeal the Letters of Administration granted them, and thereupon the said Register-General, or other Person then empowered to grant Administration as aforesaid, where such Occasion happens, are hereby required to grant Letters of Administration to such Person or Persons (having Right thereunto) as will give Bonds in Manner and Form aforesaid,

Where the Security appears to the Orphans Court not sufficient, they shall compel such Administrators to give better.

who may have their Actions of Trover or Detinue for such Goods or Chattels as came to the Possession of the former Administrators, and shall be detained, wasted, imbezelled or misapplied by any of them, and no Satisfaction made for the same.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That when any Complaint is made to any of the said Justices, that an Executrix, having Minors of her own, or being concerned for others, is married, or like to be espoused to another Husband, without securing the Minors Portions or Estates, or that an Executor, or other Person, having the Care and Trust of Minors Estates, is like to prove insolvent, or shall refuse or neglect to exhibit true and perfect Inventories, or give full and just Accounts of the said Estates come to their Hands or Knowledge, then and in every such Case the same Justices are hereby required forthwith to call an Orphans Court; who shall cause all and every such Executors and Trustees, as also such Guardians or Tutors of Orphans or Minors as have been formerly appointed, or shall at any time hereafter be appointed by the said Court, to give Security to the Orphans or Minors, by Mortgage or Bonds, in such Sums, and with such Sureties as the said Courts shall think reasonable; conditioned for the Performance of their respective Trusts, and for the true Payment or Delivery to and for the Use and Behoof of such Orphans as they are concerned for (or such as shall legally represent them) the Legacies, Portions, Shares and Dividends of Estates, real and personal, belonging to such Orphans or Minors, so far as they have Assets, as also for their Maintenance and Education, as the said Court shall think fit to order, for the Benefit and Advantage of such Orphans, as is usual in such Cases.

In case Minors Estates be in Danger by Executors, &c. the Orphans Court shall cause such to give Security.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That any of the said Executors, Administrators, Guardians or Trustees, may by the Leave and Direction of the Orphans Court, put out their Minors Money to Interest, upon such Security as the said Court shall allow of; and if such Security so taken *bona fide*, and without Fraud, shall happen to prove insufficient, it shall be the Minors Loss. But if no Person who may be willing to take the said Money at Interest, with such Security, can be found by the Persons so as aforesaid concerned for the Minors, nor by any others, then the said Executors,

Minors Money may be put to Interest,

Administrators, Guardians or Trustees, shall, in such Cases, be responsible, for the Principal-Money only, until it can be put out at Interest as aforesaid.

Not exceeding 12 months at one time.

PROVIDED ALWAYS, That the Day of Payment of the Money so to be put out to Interest, at any one time, shall not exceed Twelvemonths from the Date of the Obligation, or other Security given for the same, and so *Toties Quoties*, when and so often as the said Money shall be paid or come to the Hands of the said Executors, Guardians or Trustees.

PROVIDED ALSO, That no Executors, Administrators or Guardians, shall be liable to pay Interest, but for the Surplusage of the Decedents Estates remaining in their Hands or Power, and belonging to the Minors, when the Accounts of their Administration are or ought to be settled and adjusted before the Orphans Court or Register-General respectively.

Farther Authority of the Orphans Court.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Justices of the said Orphans Court in the said respective Counties, shall, by Virtue of this Act, have full Power and Authority to exercise all the Powers, Authorities and Jurisdictions granted or mentioned, or intended to be granted to the Orphans Court, in and by a Law of this Province, entitled, *An Act for the better settling Intestates Estates*, and to do, execute and perform all such Matters and Things as the Orphans Court in the said Act, or in any other Act or Law of this Province mentioned, might or ought to have done or performed, according to the true Intent and Meaning thereof; with Power also to admit Orphans or Minors, when, and as often as there may be Occasion, to make choice of Guardians or Tutors, and to appoint Guardians, next Friends or Tutors, over such as the said Court shall judge too young or incapable, according to the Rules of the common Law, to make choice themselves; and, at the Instance and Request of the said Executors, Administrators, Guardians or Tutors, to order and direct the binding or putting out of Minors Apprentices to Trades, Husbandry, or other Employments, as shall be thought fit. And that all Guardians and *Prochein Amis*, which shall be appointed by any of the said Orphans Courts, shall be allowed and received, without further Admittance, to prosecute and defend all Actions and Suits relating to the Orphans

or Minors, as the Case may require, in any Court or Courts of this Province.

A N D if any Person or Persons, being duly summoned to appear in any of the said Orphans Courts ten Days before the time appointed for their Appearance, shall make Default, the Justices may send their Attachments for Contempts, and may force Obedience to their Warrants, Sentences or Orders concerning any Matter or Thing cognizable in the same Courts, by Imprisonment of Body, or Sequestration of Lands or Goods, as fully as any Court of Equity may or can do.

Persons summoned and not appearing, &c. may be punished by Imprisonment, &c.

PROVIDED ALWAYS, That if any Person or Persons shall be aggrieved with any definitive Sentence or Judgment of the said Orphans Court, it shall be lawful for them to appeal from the same to the Supream-Court; which Appeal, upon Security given, as is usual in such Cases, shall be granted accordingly.

Persons aggrieved may appeal to the Supream Court.

A N D if any of the said Executors, Administrators, Guardians or Trustees did or shall receive and give Discharges for any Sums of Money, Debts, Rents or Duties belonging to any Orphan or Minor for whom they were or are intrusted, **IT IS HEREBY DECLARED AND ENACTED,** That all such Discharges or Receipts shall be binding to and upon the Orphan or Minor when he or she attains to full Age, and shall be most effectual in Law to discharge the Person or Persons that take the same.

Discharges for Money, &c. by Executors, &c. are binding to the Orphans.

A N D when any of the said Minors attain to full Age, and the Person or Persons so as aforesaid intrusted or concerned for them having rendered their Accounts to the Orphans Court according to the Direction of this and the said other Acts, and paid the Minors their full Due, then such Minors shall acknowledge Satisfaction in the said Court: But in Case any of them refuse so to do, then the said Court shall certify how the said Persons concerned have accounted and paid; which shall be a sufficient Discharge to the Guardians or Tutprs, and to the Trustees, Executors or Administrators who shall so account and pay, and thereupon all Bonds entred into, for Payment of such Orphans Portions shall be delivered up and cancelled.

Bonds how to be cancelled.

What Persons
may have the
Charge of Or-
phans or Mi-
nors.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That none of the said Orphans Courts shall have any Power to order or commit the Tuition or Guardianship of any Orphans or Minors, or bind them Apprentices to any Person or Persons whose religious Persuasion shall be different from what the Parents of such Orphan or Minor professed at the Time of their Decease, or against the Minors own Mind or Inclination, so far as he or she has Discretion and Capacity to express or signify the same; or to Persons that are not of good Repute, so as others of good Credit, and of the same Persuasion, may or can be found.

Due Regard
to be had to
Wills, &c.

PROVIDED ALSO, That the Justices of the said Courts, and all others concerned in the Execution of this Act, shall have due Regard to the Direction of all *Last Wills*, and to the true Intent and Meaning of the Testators, in all Matters and Things that shall be brought before them concerning the same.

Bonds directed to be given by any Law, &c. to be for the Use of the Persons concerned, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all such Bonds or Obligations as are by this Act, or by any other Law of this Province, directed and required to be given to the Register-General, and all such Bonds as by any Law are directed to be given by the Register-General, or by any other Officers or Persons in Office whatsoever in this Province, for the due Execution of his or their respective Offices or Employments, are hereby declared to be to and for the Use of and in trust for the Person or Persons concerned, and that the Benefit thereof shall be extended from time to time, for the Relief and Advantage of the Party grieved by the Misfeazance or Nonfeazance of the Officers that did or shall give the same.

AND that when any of the said Bonds shall be put in Suit and Judgment thereupon obtained, the Judgment shall remain in the same Nature the Bonds were, and that no Execution issue out thereupon before the Party grieved shall, by Writ of *Scire facias*, summon the Person or Persons against whom the said Judgment is obtained, to appear and shew cause why Execution shall not issue upon the said Judgment. And if the Party grieved shall prove what Damages he sustained, and thereupon a Verdict be found for him, the Court of Common-Pleas where such Suit

Suit is, shall award Execution for so much as the Jury shall then find, with Costs, and no more; and the former Judgment is hereby declared still to remain cautionary, for the Satisfaction of such others as shall legally prove themselves damnified, and recover their Damages in Manner aforesaid.

AND the said Register-General, and all others in whose Hands the said Bonds shall be deposited or lodged, are hereby required to give any Person injured, that requests the same, a true Copy of any of the said Bonds, he paying *Three Shillings* for the same, and to produce the Original in Court, upon any Trial that shall be had for the Breach of any of them, if required by the Court; and if the Person in whose Hands the said Bonds shall be lodged or come, shall refuse or delay to give Copies thereof, and produce the Original in Court as aforesaid, he or they shall forfeit and pay to the Party grieved treble Damages, to be recovered against the Officer that gave such Bonds, or his Sureties, by Action of Debt, Bill, Plaint or Information in any Court in this Province, where no Effoin, Protection or Wager of Law, or any more than or Imparllance shall be allowed.

The Register-General, &c. required to give Copies of such Bonds, &c.

C H A P. CLXXXIX.

An ACT for Amending divers Laws therein mentioned. Repealed.

C H A P. CXC.

An ACT for the laying a Duty or Excise upon sundry Liquors; and also upon Hops, to answer several Exigencies of this Government. Expired.

A N N O R E G N I
G E O R G I I
R E G I S
P R I M O.

At a GENERAL ASSEMBLY begun
at *Philadelphia*, in the Province of
Pennsylvania, the Fourteenth Day
of *October*, in the First Year of
the Reign of His present Majesty
King GEORGE, over *Great*
Britain, France and Ireland, &c.
Annoq; Domini One Thousand Se-
ven Hundred and Fourteen, and
continued by Adjournments to
the Twenty-eighth of *May*, One
Thousand Seven Hundred and
Fifteen: On which Day the
following ACTS were passed by
CHARLES GOOKIN, Esq;
Lieutenant Governour under
WILLIAM PENN, Esq; &c.
That is to say,

C H A P. CXCI.
An ACT of Privileges to a Freeman.
Repealed.

C H A P. CXCII.

*An ACT directing Appeals to Great Britain.**See the Act for
Establishing of
Courts, postea
Chap. 245.*

BE IT ENACTED by CHARLES GOOKIN, Esq; by the King's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; Proprietor and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That no Judgment, Sentence or Decree of any of the Supream-Courts, or Courts of Admiralty in this Province, shall be so final, but that the Party aggrieved therewith may appeal to the King, his Heirs and Successors, so that such Appellant does deposit the Sum or Sums recovered or decreed against him, or become bound, with one or more sufficient Sureties, to the Party for whom such Judgment or Sentence is given by Recognizance in double the Sum adjudged to be recovered by the Sentence, Decree or Judgment of the said Courts, or any of them, *With Condition*, That the Person or Persons appealing shall and will, within eighteen Months next after, prosecute his or their Appeal in *Great Britain*, with Effect; and if the Judgment or Decree be affirmed there, or that the Appellant fails in the Prosecution of his said Appeal within the time aforesaid, then the said Appellant, or Party in whose Name the Appeal is made, shall pay all the Debts, Damages and Costs adjudged upon the former Judgment, Sentence or Decree, and all such Costs and Damages as shall be awarded for delaying Execution; or they the Sureties shall do the same for him, whereto the Judges, before whom the Recognizance is given, shall subscribe their Hands; and then Execution shall stay, and the Appellant, if taken in Execution, shall be discharged.

*Persons finding themselves aggrieved by Judgment, &c. of the Supream or Admiralty Courts may appeal home.**If the Judgment, &c. be affirm'd, &c. the Appellant shall pay all Debts, Damages, &c.*

C H A P. CXCI.

An ACT for establishing the Courts of General Quarter-Sessions in this Province. Repealed.

C H A P. CXCV.

An ACT for Impowering religious Societies to buy, hold and enjoy Lands, Tenements and Hereditaments. Repealed.

C H A P.

C H A P. CXCIV.

*An Affirmation A C T for such who for Conscience-
sake cannot take an Oath. Supplied.*

C H A P. CXCVI.

*An A C T for Corroborating the Circular-Line
between the Counties of Chester and New-Castle.
Repealed.*

C H A P. CXCVII.

*An A C T for the better Recovery of Fines and
Forfeitures due to the Governor and Government
of this Province.*

TO the End that all Fines, Forfeitures, Issues and Amerciaments, which were designed, and ought to be applied towards Defraying the necessary Charge of Supporting the Administration of this Government, may be duly estreated, levied and brought into the Provincial-Stock or Treasury, that so the same may go to the Uses intended; **BE IT ENACTED** by **CHARLES GOOKIN, Esq; &c.** That all Fines, Issues, Amerciaments forfeited Recognizances, Sum and Sums of Money to be paid in Lieu and Satisfaction of them, or any of them, and all other Forfeitures whatsoever, which after the Twenty-fifth Day of March, One Thousand Seven Hundred and Fifteen, shall be set, imposed, lost or forfeited in the Supream-Court of this Province, or in any Courts of Common-Pleas, General Quarter-Sessions of the Peace and Goal-Delivery, or before any special Commissioners of Oyer and Terminer, in any County of this Province, shall, by the Justices, Prothonotaries and Clerks of the said Courts respectively, be certified and estreated in and into the said Supream-Court, to be held at *Philadelphia*, on the Twenty-fourth Day of September, One Thousand Seven Hundred and Sixteen, expressing the Cause of the Loss, the Court, the Nature of the Writ, and the Names of the Parties betwixt whom the said Issues and Amerciaments are lost.

All Fines due
after March
25. 1715. to
be certified
into the Su-
pream Court
at *Philadelphia*,
Sept. 24. 1716.

Vide postea
Chap. 245:
*An Act for e-
stablishing*
Courts, &c.

AND

AND that all Fines, Issues and Amerciaments, forfeited Recognizances, Sum and Sums of Money to be paid in Lieu or Satisfaction of them, or any of them, and all other Forfeitures whatsoever arising in any of the said Courts, from the said Twenty-fourth Day of *September, One Thousand Seven Hundred and Sixteen*, in every Year, to the Tenth Day of *April*, in every Year, shall be, and are hereby ordained and required to be certified and estreated in and into the said Supream-Court the last Day of every *April* Court, to be held at *Philadelphia*, in every Year, and from the Beginning of every *April* Court, in every Year, to the Beginning of every *September* Court there; on Pain that every Officer or Minister of or belonging to the said Courts, or any of them, who by this, or any other Law of this Province, ought to make Certificates or Estreats of any of the said Fines, Issues, Amerciaments and Forfeitures, making Default or offending therein, shall forfeit and pay *Thirty Pounds*, current Money of this Province, for every such Default that shall be made in Certifying and Estreating as aforesaid, the one Moiety to the Use of the Governor, for Support of Government, and the other Moiety to such Person or Persons as will sue for the same, to be recovered in any Court of Record in this Province, by Action of Debt, Bill or Information, wherein no Effoin, Protection or Wager of Law, and but one Impar lance shall be allowed.

All Fines, &c. to be estreated, into the Supream Court, on Penalty, &c.

Penalty on Neglect.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Clerks of the Peace, Town-Clerks, and every of them within this Province, shall make and deliver, yearly, to the Sheriff of the respective County, City or Town corporate, where the Sessions of the Peace is or shall be kept, within ten Days after the first Day of *November*, in every Year, a true and perfect Estreat or Schedule of all Fines, Issues, Amerciaments, forfeited Recognizances, Sum and Sums of Money, and other Forfeitures whatsoever, which shall happen to be imposed, set, lost or forfeited in any of the said Sessions of the Peace respectively, which shall be held before the said first Day of *November*, by or upon any Person or Persons whatsoever, due to the Governor or Government of this Province.

Clerks of the Peace, &c. to deliver, yearly, to the Sheriff, a Schedule of Fines, &c.

AND also, shall yearly and every Year, on or before the tenth Day of *April*, make and deliver into the said Supream-Court a true and perfect Duplicate, Certificate and Estreat of all the Schedules so delivered to the said respective Sheriffs, that so they, on their Opposals in the

A Duplicate of all Schedules to be delivered into the Supream-Court.

Penalty on
Neglect.

said Supream-Court, may be charged with the Money levied and received by them respectively upon such Schedules delivered as aforesaid, on Pain that every Person and Persons offending herein, for every such Default or Failure made, shall forfeit and pay *Thirty Pounds*, current Money of this Province, the one Moiety to the Use of the Governor for Support of Government, and the other Moiety to such Person or Persons as will sue for the same, to be recovered as aforesaid.

AND BE IT FURTHER ENACTED

Justices of the
Supream
Court shall a-
ward Proceſs
for levying
Fines, &c.

by the Authority aforesaid, That the Justices of the said Supream-Court shall award Proceſs for levying, as well of such Fines, Forfeitures, Issues and Amerciaments as shall be estreated into the said Supream-Court, as of all Fines, Forfeitures, Issues and Amerciaments which shall be lost, taxed and set there, and not paid to the Uses they shall be appropriated.

AND BE IT FURTHER ENACTED

No Justice,
&c. of the
said Courts, to
spare, con-
ceal, &c. any
Indictment,
&c. unless it
be by Rule of
Court; nor
misceſtify any
Fine, &c. on
Penalty of tre-
ble the Value.

by the Authority aforesaid, That no Justice, Officer or Minister of or belonging to any of the said Courts, nor any Prothonotary or Clerk of the said Supream, or other Courts, Clerk of the Peace, Town-Clerk, nor any Officer or Minister, under them, or any of them; nor other Person or Persons whatsoever; shall spare, take off, discharge, or wittingly or willingly conceal any Indictment, Fine, Issue, Amerciament, forfeited Recognizance, or other Forfeiture whatsoever, exhibited, set, imposed, lost or forfeited in any of the Courts above-mentioned, or before any of the Judges, Justices or Commissioners of or belonging to the same; or any Sum or Sums of Money paid, or to be paid to any Officer or Officers, in Lieu or Satisfaction of any Fine or Forfeiture (unless it be by Rule or Order of Court where such Indictment, Fine, Issue, Amerciament, forfeited Recognizance or other Forfeiture is or shall be exhibited, set, imposed, lost or forfeited) nor shall any of the said Justices, Officers or Ministers aforesaid, or any other, wittingly or willingly misceſtify or estreat in or into any of the said Supream-Courts, any Fine, Issue, Amerciament, forfeited Recognizance or other Forfeiture whatsoever, whereby the Proceſs of the said Supream-Courts, for the levying thereof, may be made invalid and of none Effect: But every such Justice, Officer and Minister, and all and every other Person and Persons offending herein, shall, for every such Offence, forfeit and pay treble the Value of such Fine, Issue, Amer-

Amerciament, forfeited Recognizance, Sum or Sums of Money, or other Forfeiture so spared, taken off, discharged, concealed, not certified, or miscertified, or estreated as aforesaid; the one Moiety thereof to the Governor, for Support of Government, and the other Moiety to such Person or Persons as will sue for the same; to be recovered as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Clerks and Prothonotaries of the said Courts, Clerks of the Peace, Town-Clerks, and others to whom it belongs to make Return of Estreats into the said Supream-Court, shall deliver in all and every such Estreat and Estreats, upon their Oaths or Affirmations, to be administred by one or more of the Judges of the same Court, to the Effect following, *That is to say,*

Estreats to be delivered into the Supream-Courts upon Oath or Affirmation.

“ YOU shall declare, *That these Estreats now by You delivered, are truly and carefully made up and examined; and that all Fines, Issues, Amerciaments, Recognizances and Forfeitures which were set, lost, imposed or forfeited, and in right and due Course of Law ought to be estreated in the Supream-Court of Pennsylvania, are (to the best of Your Knowledge and Understanding) herein contained; and that in the same Estreats are also contained and expressed all such Fines and Amerciaments as have been paid into the Court from which the said Estreats are made, without any wilful or fraudulent Discharge, Omission, Misnomer or Defect whatsoever.*

AND BE IT FURTHER ENACTED by the Authority aforesaid, That any two of the Judges of the said Supream-Court for the time being shall view all the said Estreats, and cause their Clerk to enrol them in the said Court; and shall hear and determine all Complaints brought before them concerning immoderate Fines, Issues or Amerciaments estreated as aforesaid, and to give Relief to the Party grieved, as the Laws in *Great Britain* in such Cases doth or shall direct.

Estreats shall be viewed by any two Judges of the Supream-Court; who in immoderate Fines, &c. may give Relief.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That where any Fine or Fines, Sum or Sums of Money, or other Forfeitures, due to the Governor or Government of this Province, after the said *Twenty-fifth Day of March, One Thousand Seven Hundred and Fifteen*, shall be paid to any Sheriff, Clerk, or other Officer or Minister whatsoever, belonging to any Court or Courts in this Province, and be, according to the Intent and

Where any Fine, &c. shall be paid to any Sheriff, &c. and estreated, Process shall issue out of the Supream-Court against them.

and Directions of this Act, certified and estreated in or into the said Supream-Court; then, and in such Case, Process shall issue out of the said Supream-Court directed to the Sheriff or Coroner of the proper County, against such Officers and other Persons to whom such Fine or Fines, Sum or Sums of Money, or other Forfeiture is or shall be so paid, for levying and receiving the same, that so it may appear when, to whom, and how such Monies are received, answered and paid.

AND BE IT FURTHER ENACTED

All Fines, levied, except for the Poor, Highways, Bridges, &c. shall be paid to the Provincial-Treasurer; who shall pay to the Uses appropriated.

by the Authority aforesaid, That all and every the said Fines, Sums of Money, or other Forfeitures (excepting such as are by Law appropriated to the Poor, or for Repairing Highways and Bridges, or any other particular Uses in the said respective Counties, or City of *Philadelphia*) which from henceforth shall be levied or received according to the Intent and Directions of this Act, shall be paid by the Sheriff, or other Officer or Minister who levied or received the same, to such Person as the Assembly of this Province shall from time to time appoint Provincial-Treasurer; who shall pay the same to the Uses the same are or shall be respectively appropriated: And the said Treasurer shall from time to time lay an Account thereof before the Governor and Assembly for the time being; and shall deduct *Five per Cent.* for his Trouble in receiving and paying the same.

His Allowance.

This Act shall not prejudice the City-Charter.

PROVIDED ALWAYS, That nothing in this Act contained shall extend to be anyways prejudicial to the Charter of the City of *Philadelphia*; but that the said City may have and enjoy the Fines and Forfeitures granted them by the said Charter as if this Act had not been made.

AND BE IT FURTHER ENACTED

The Secretary shall, yearly, give an Account to the said Treasurer of Licences to publick-Houses, under Penalty of *Twenty Pounds.*

by the Authority aforesaid, That the Secretary, or his Deputy, who draws Licences for keeping Publick-Houses, and selling Wine or other Liquors in any Town or Place of this Province, shall keep a true and just Account of the said Licences, expressing the Time when, the Persons Names to whom the same were granted, and where they live; and shall certify the same to the said Treasurer for the time being, on the first Day of *November*, in every Year, upon Pain of forfeiting and paying the Sum of *Twenty Pounds*, Money of this Province, for every Default or Neglect in that Behalf; the one Moiety thereof to the Governor for Support

Support of Government, and the other Moiety to him or them that will sue for the same, to be recovered as aforesaid.

C H A P. CXCVIII.

An ACT for the Assigning of Bonds, Specialties and Promisory-Notes.

WHEREAS it hath been held, That Bonds and Specialties under Hand and Seal, and Notes in Writing, signed by the Party who makes the same, whereby such Party is obliged, or promises, to pay unto any other Person, or his Order or Assigns, any Sum of Money therein mentioned, are not, by Law, assignable or indorfbable over to any other Person, so as that the Person to whom the said Bonds, Specialties, Note or Notes is or are assigned or indorfed may, in their own Names, by Action at Law, or otherwise, recover the same; therefore, to the Intent to encourage, Trade, Commerce and Credit; BE IT ENACTED by CHARLES GOOKIN, Esq; &c. That all Bonds, Specialties and Notes in Writing, made or to-be made, and signed by any Person or Persons, whereby such Person or Persons is or are obliged, or doth or shall promise to pay to any other Person or Persons, his, her or their Order or Assigns, any Sum or Sums of Money mentioned in such Bonds, Specialties, Note or Notes, may, by the Person or Persons to whom the same is or are made payable, be assigned, indorfed and made over to such Person or Persons as shall think fit to accept thereof.

Bonds, &c. may be assigned to another Person.

AND that the Person or Persons to whom such Bonds, Specialties or Notes are or shall be assigned, indorfed or made over, their Factors, Agents, Executors or Assigns, may, at his, her or their Pleasure, again assign, indorse and make over the same, and so *Toties Quoties*.

Such Assignee may assign again.

AND that it shall and may be lawful for the Person or Persons to whom the said Bonds, Specialties or Notes are assigned, indorfed or made over as aforesaid, in his, her or their own Name or Names, to commence and prosecute his, her or their Action at Law, for Recovery of the Money mentioned in such Bonds, Specialties or Notes, or so much thereof as shall appear to be due at the Time of such

And sue in his own Name.

ment in like Manner as the Person or Persons to whom the same was or were made payable, might or could have done.

Plaintiff shall recover Damages and Costs; but if non-suited. &c. **AND** in every such Action the Plaintiff or Plaintiffs shall recover his, her or their Damages and Costs of Suit; and if such Plaintiff or Plaintiffs shall be non-suited, or a Verdict be given against him, her or them, the Defendant or Defendants shall recover his, her or their Costs against the Plaintiff or Plaintiffs.

And may sue out Execution, &c. **AND** every such Plaintiff or Plaintiffs, Defendant or Defendants respectively recovering, may sue out Execution for such Damages and Costs in the like Manner as is usual for Damages and Costs in other Cases.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every such Actions on such Promissory-Notes shall be commenced, sued and brought within such Time as is appointed for commencing or suing Actions upon the Case by an Act of this Province, passed in the Eleventh and Twelfth Years of the late Queen Anne, entituled, *An Act for Limitation of Actions.*

No Power given by this Act to issue Notes than, &c. **PROVIDED ALWAYS,** That no Person or Persons shall have Power by Virtue of this Act to make, issue or give out any Bonds, Specialties or Notes by themselves or Servants, than such as they might have made, issued and given out if this Act had never been made.

Assignments, &c. under Hand and Seal, &c. **AND** that all Assignments to be made of Bonds and Specialties shall be under Hand and Seal, before two or more credible Witnesses.

After Assignment the Assignor not to release. **PROVIDED ALSO,** That it shall not be in the Power of the Assigners, after Assignment made as aforesaid, to release any of the Debts or Sums of Money really due by the said Bonds, Specialties or Notes.

C H A P. CXCIX.

*An ACT for Acknowledging and Recording
of Deeds.*

BE IT ENACTED by CHARLES GOOKIN, Esq;
 &c. That there shall be an Office of Record in each County of this Province, called and stiled, *The Office for Recording of Deeds*; and shall be kept in some convenient Place in the said respective Counties; and the Recorder shall duly attend the Service of the same, and, at his own proper Costs and Charges, shall provide Parchment, or good large Books of Royal, or other large Paper, well bound and covered, wherein he shall record, in a fair and legible Hand, all Deeds and Conveyances which shall be brought to him for that Purpose, according to the true Intent and Meaning of this Act.

An Office of Record in each County for recording of Deeds.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Bargains and Sales, Deeds and Conveyances of Lands, Tenements and Hereditaments in this Province, may be recorded in the said Office; but before the same shall be so recorded, the Parties concerned shall procure the Grantor or Bargainer named in every such Deed, or else two or more of the Witnesses (who were present at the Execution thereof) to come before one of the Justices of the Peace, of the proper County or City where the Lands lie, who is hereby impowered to take such Acknowledgment of the Grantor, if one, or one of the Grantors, if more.

All Deeds and Conveyances may be recorded in the said Office after the Grantor &c. have proved the Execution thereof, &c.

BUT in case the Grantor be dead, or cannot appear, then the Witnesses brought before such Justice shall be by him examined upon Oath or Affirmation, to prove the Execution of the Deed then produced: Whereupon the same Justice shall, under his Hand and Seal, certify such Acknowledgment or Proof upon the Back of the Deed, with the Day and Year when the same was made, and by whom: And that after the Recorder has recorded any of the said Deeds, he shall certify, on the Back thereof, under his Hand and Seal of his Office, the Day he entred it, and the Name or Number of the Book or Roll and Page where the same is entred.

If the Grantor be dead, the Witnesses to be upon Oath, &c.

The Acknowledgment to be certified on the Back of such Deed, by the Justice; and the Day and Number of the Roll by the Recorder.

AND

AND BE IT FURTHER ENACTED

Deeds made out of this Province, proved & recorded, shall be valid, &c.

Vide ant. Cha. 14. for confirming Sales of Lands, &c.

by the Authority aforesaid, That all Deeds and Conveyances made and granted out of this Province, and brought hither and recorded in the County where the Lands lie (Execution thereof being first proved by the Oath or Affirmation of one or more of the Witnesses thereunto, before one or more of the Justices of the Peace of this Province, or before any Mayor or chief Magistrate or Officer of the Cities, Towns or Places where such Deeds or Conveyances are or shall be made or executed, and accordingly certified under the Common or Publick-Seal of the Cities, Towns or Places where such Deeds or Conveyances are so proved respectively) shall be as valid as if the same had been made, acknowledged and proved in the proper County where the Lands lie in this Province.

AND BE IT FURTHER ENACTED

Deeds so acknowledged and recorded shall be of the same Force as Deeds of Feoffment, or inrolled in Great Britain.

Copies, &c. of such Deeds being certified by the Recorder, shall be as valid as the Originals.

by the Authority aforesaid, That all Deeds and Conveyances made or to be made, and proved or acknowledged and recorded as aforesaid, which shall appear so to be by Indorment made thereon according to the true Intent and Meaning of this Act, shall be of the same Force and Effect here, for the giving Possession and Seizin, and making good the Title and Assurance of the said Lands, Tenements and Hereditaments, as Deeds of Feoffment, with Livery and Seizin, or Deeds enrolled in any of the King's Courts of Record at *Westminster*, are or shall be in the Kingdom of *Great Britain*. And the Copies or Exemplifications of all Deeds so inrolled being examined by the Recorder, and certified under the Seal of the proper Office (which the Recorder, or Keeper thereof, is hereby required to affix thereto) shall be allowed in all Courts where produced, and are hereby declared and enacted to be as good Evidence and as valid and effectual in Law as the Original Deeds themselves, or as Bargains and Sales inrolled in the said Courts at *Westminster*, and Copies thereof, can be; and the same may be sued, pleaded and made Use of accordingly.

AND BE IT FURTHER ENACTED

In Deeds in Fee-simple, the Words *Grant, Bargain, Sell*, to be an express Covenant that the Estate was free from Incumbrances, &c.

by the Authority aforesaid, That all Deeds to be recorded in Pursuance of this Act, whereby any Estate of Inheritance in Fee-simple shall hereafter be limited to the Grantee and his Heirs, the Words [*Grant, Bargain, Sell*] shall be judged an express Covenant to the Grantee, his Heirs and Assigns, *to wit*, That the Grantor was seized of an indefeasible Estate in Fee-simple, free'd from all Incumbrances done

done or suffered from the Grantor (excepting the Rents and Services due to the Lord of the Fee) as also for quiet Enjoyment against the Grantor, his Heirs and Assigns (unless limited by express Words contain'd in such Deeds) and that the Grantee, his Heirs, Executors, Administrators and Assigns may, in any Action, assign Breaches, as if such Covenants were expressly inserted.

The Grantee may assign Breaches, &c.

PROVIDED ALWAYS, That this Act shall not extend to Leases at Rack-Rent, or to Leases not exceeding One-and-Twenty Years, where the actual Possession goes with the Lease.

Leases at Rack Rent, and not exceeding 21 Years excepted.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person shall forge any Entry of the said Acknowledgments, Certificates or Indorsements, whereby the Freehold or Inheritance of any Man may be charged, he shall be liable to the Penalties against Forgers of false Deeds, &c. And if any Person shall perjure himself in any of the Cases herein above-mentioned, he shall incur the like Penalties as if the Oath or Affirmation had been in any Court of Record.

The Penalties against Forgers of said Acknowledgments, &c. Persons guilty of Perjury.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Deed or Mortgage, or defeazable Deed, in the Nature of Mortgages, hereafter to be made, shall be good or sufficient to pass any Freehold or Inheritance, or to grant any Estate therein for Life or Years, unless such Deed be acknowledged or proved, and recorded within six Months after the Date thereof, where such Lands lie, as herein before directed for other Deeds.

No Mortgage good unless acknowledged and recorded in six Months.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That any Mortgagee of any real or personal Estate in this Province, having received full Satisfaction and Payment of all such Sum and Sums of Money as are really due to him by such Mortgage, shall, at the Request of the Mortgager, enter Satisfaction upon the Margin of the Record of such Mortgage recorded in the said Office; which shall forever thereafter discharge, defeat and release the same; and shall likewise bar all Actions brought or to be brought thereupon.

Mortgagee having received his Money shall enter Satisfaction on the Margin of the Record.

AND if such Mortgagee, by himself or his Attorney, shall not, within three Months after Request and Tender made for his reasonable Charges, repair to the said Office, and there make such Acknowledgment as aforesaid, he,

Penalty on not making such Acknowledgment, &c.

she or they neglecting so to do, shall, for every such Offence, forfeit and pay unto the Party or Parties aggrieved any Sum not exceeding the Mortgage-Money, to be recovered in any Court of Record in this Province, by Bill, Plaint or Information.

AND BE IT FURTHER ENACTED

What Persons shall be Recorders of Deeds, until a Majority of the Justices appoint others.

Recorders to give Security, &c.

And to be filed in the Secretary's Office, &c.

by the Authority aforesaid, That *Charles Brocken*, shall be Recorder of Deeds for the City and County of *Philadelphia*, and the several Prothonotaries or County-Clerks of *Bucks* and *Chester*, in this Province, shall be Recorders of Deeds for the said respective Counties, who shall continue in their said Office until a Majority of the Justices of the Courts of Quarter-Sessions, in the said respective Counties, shall see Occasion to remove them, and appoint others in their Places. But before any of the said Recorders enter upon their respective Offices, they shall find Sureties as follows, *viz.* The said Recorder of Deeds for the County and City of *Philadelphia* shall become bound to the Governor of this Province for the Time being, with one or more sufficient Sureties, in a Bond of *Five Hundred Pounds*, conditioned for the true and faithful Execution of his Office, and for Delivering up the Records and other Writings belonging to the said Office whole, safe and undamaged, to his Successor in the said Office: And the said County-Clerks of *Bucks* and *Chester*, shall each of them, with one or more Sureties, become bound as aforesaid, in a Bond of *Two Hundred Pounds*, conditioned as aforesaid. Which said respective Bonds shall be filed in the Secretary's Office, and there safely kept in order to be made Use of for making Satisfaction to the Parties that shall be damaged or aggrieved, as is or shall be in such Cases directed by the Laws of this Province.

Penalty on the Recorder for entering on his Office before Security given.

AND no Recorder of Deeds whatsoever, now or hereafter appointed as aforesaid, shall enter upon or officiate in the said Office, before he hath given such Security as aforesaid, upon Pain of forfeiting the Sum of *One Hundred Pounds*, the one Half to the Governor, for Support of Government, and the other Half to him or them that shall sue for the same, to be recovered as aforesaid.

AND BE IT FURTHER ENACTED

Fees allowed to the said Recorders.

by the Authority aforesaid, That the said Recorders, respectively, shall have and receive for Recording, and for Copying or Exemplifying all Deeds, Conveyances and Writings entered in the said Office, *One Half-penny* for every

Line

Line, containing not less than twelve Words; and for every Search *One Shilling*; and for every Acknowledging Satisfaction, in the Margin of a Mortgage, recorded as aforesaid, *One Shilling*; and shall have and receive for affixing the Seal to every Exemplification, *One Shilling*; and for the Seal of the Office and Indorsement of Certificate on each Deed acknowledged, and his Hand thereto, *One Shilling and Six-Pence*.

AND if any of the said Recorders shall exact or take more or greater Fees, he or they offending, shall, for every Offence, forfeit and pay the Sum of *Five Pounds*, one Half thereof to the Governor, for Support of Government, and the other Half to him or them that shall sue for the same, to be recovered as aforesaid. Penalty on
Exacting.

C H A P. CC.

An ACT for the Ease of such as conscientiously scruple to take the solemn Affirmation formerly allowed in Great Britain. Repealed.

C H A P. CCI.

An ACT for continuing a friendly Correspondence with the Indians. Expired.

C H A P. CCII.

An ACT for better Determining of Debts and Demands under Forty Shillings, and for laying aside the two Weeks Court in the City of Philadelphia.

WHEREAS the several Laws of this Province for Determining of small Debts, without Formality of Trial, were designed for the Ease and Conveniency of the Subject; but Complaint is made by many of the Inhabitants of the City and County of *Philadelphia*, that the Manner of putting the same in Execution by some of the said City-Magistrates and Officers, proves very chargeable and inconvenient: For Remedy whereof,
BE IT ENACTED by CHARLES GOOKIN, Esq; &c.
That

Any Justice on Complaint may issue his Warrant to the Constable for Debts under *Forty Shillings*.

And may give Judgment, which shall be final.

Justices to keep Entries of such Judgments.

Execution to be awarded against Body and Goods.

If Effects be produced, the Body not to be held.

For want of Effects to be imprisoned, &c.

Goods to be sold in three Days, returning the Overplus.

That upon Complaint made to any Justice of the Peace in this Province against any Person or Persons, for any Debt or Demand under *Forty Shillings*, it shall and may be lawful for such Justice, and he is hereby impowered and required to issue forth his Warrant, in the Nature of a Summons, Capias or Attachment, as the Case may require, directed to the Constable of the Township or District where the Defendant dwells or can be found, commanding him to bring, or cause such Defendant to come, with the Plaintiff, before him, or the next Justice, forthwith; and when such Justice hath heard the Proofs and Allegations of both Parties (or such of them as will be present) he shall forthwith give Judgment in the Matter, which shall be final and conclusive to both Complainant and Defendant, without further Appeal. But the Justice that gives such Judgment, shall keep fair Entries of the Names of the Complainants and Defendants, and the Debt or Sum contained in such Judgment, with the Day and Year when the same was given. And Execution, if required, shall be awarded by the Justice, against the Body and Goods or Effects of the Defendant or Person refusing to comply with such Judgment, directed to the Constable; but if the Defendant produceth Effects sufficient to satisfy the Sum contained in such Execution, his Body shall not be held any longer: But for want of such Effects, the Constable is hereby required to take such Defendant into the Goal of the proper County; and the Sheriff or Keeper of such Goal is hereby required to receive the Person so taken in Execution, and him safely keep, till the Sum recovered, with Costs, be paid, or Satisfaction made by Goods, or otherwise; which Goods shall, within three Days after, be sold at publick Vendue, and the Overplus, if any, after reasonable Charges deducted, returned to the Owner.

AND BE IT FURTHER ENACTED

No Court to have Cognizance of any Debts under 40 s. nor be determined any other way than this Act directs.

by the Authority aforesaid, That no Court in this Province shall have Cognizance of any of the said Debts or Demands under *Forty Shillings*, nor shall the same be determined by any Justice or Magistrate any other way than this Act directs; any Law, Ordinance or Usage to the Contrary in anywise notwithstanding.

AND BE IT FURTHER ENACTED

Repeal of the City Ordinances, &c.

by the Authority aforesaid, That all and every the Ordinances and By-Laws of the said City, made, or pretended to be made, for the better executing the said Laws for De-

Determining of small Debts, and for Erecting a Court or Courts for that Purpose, shall be and are hereby declared to be null and void ; and that all and every the said Courts so erected, usually held by the Mayor or Recorder, with one or more of the Aldermen of the said City, commonly called *The Forty Shillings*, or *Two Weeks Court*, or by what Name soever the same may be called ; and all Jurisdiction and Authority belonging to or exercised in the said Courts, or by any of the Magistrates or Ministers thereof, in Hearing and Determining Debts or Demands therein of *Forty Shillings* and under, be clearly and absolutely dissolved, taken away and abolished.

Forty Shillings Court dissolved.

AND that all the Laws or Acts of Assembly of this Province heretofore made for determining Debts of *Forty Shillings* or under (save a Law entituled, *An Act about Attachments under Forty Shillings*, pass'd in the Twelfth Year of the late King *William* the Third) and every Matter, Clause and Thing therein contained, shall be, and are hereby declared to be repealed, annulled, and forever made void, any thing in the said Acts to the Contrary in anywise notwithstanding.

Repeal of all Laws for determining Debts under *Forty Shillings*, except, &c.

PROVIDED ALWAYS, That nothing herein contained shall extend to enable any of the said Justices of the Peace within the respective Counties of this Province, nor any of the Magistrates of the City of *Philadelphia*, within the same City, to hear any Debt for Rents or Contracts for real Estates.

No Justice to hear any Debt for Rents or Contracts for real Estate.

CHAP. CCIII.

An ACT for Erecting a Supream Court or Provincial Court of Law or Equity in this Province. Repealed.

CHAP. CCIV.

An ACT for Establishing the several Courts of Common-Pleas in this Province. Repealed.

CHAP. CCV.

An ACT for the better Ascertaining the Practice of the Courts of Judicature within this Province. Repealed.

C H A P. CCVI.

An ACT for Raising a Supply of One Penny in the Pound, and Four Shillings a Head; and for Reviving other Acts therein mentioned. Expired.

C H A P. CCVII.

An ACT for Regulating and Establishing Fees. Supplied.

C H A P. CCVIII.

An ACT for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder and Hops, imported into this Province. Expired.

C H A P. CCIX.

An ACT for laying a Duty on Negroes imported into this Province. Expired.

Two ACTS pass'd in the Second Year of His Majesty's Reign, in October, One Thousand Seven Hundred and Fifteen, viz.

C H A P. CCX.

An ACT to enlarge the Time for putting in Execution a Law pass'd in the last Sessions of Assembly, held for this Province, entituled, An Act for raising a Supply of One Penny in the Pound, and Four Shillings a Head; and for Reviving other Acts therein mentioned. Obsolete.

C H A P. CCXI.

An ACT for Reviving of Actions and Procefs, lately depending in the Courts of the County of Chester, and for Supplying other Defects, relating to Proceedings at Law in all the Courts of Common-Pleas in this Province.

ANNO REGNI
 GEORGGII
 REGIS
 QUARTO.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Nineteenth Day of *August*, in the Fourth Year of the Reign of our Sovereign Lord GEORGE, King of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Seventeen, and continued by Adjournment until the Twenty-fourth of the same Month: On which Day the following ACTS were passed by WILLIAM KEITH, Esq; by the Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief of the said Province, *That is to say*,

C H A P. CCXII.

An ACT for Raising a Supply of One Penny per Pound, and Four Shillings a Head. Expired.

C H A P.

C H A P. CCXIII.

*Of the Duty of
Sheriffs, and
their Elections,
See postea
3 Geo. II.
Chap. 303. in
the latter Part
of the Act for
Relief of insol-
vent Debtors.*

*An ACT for the better Regulating of Elections
of Sheriffs, Coroners and Assessors.*

*Who have
Right of E-
lecting or be-
ing elected
Sheriffs, Co-
roners and
Assessors.*

WHEREAS the Manner of carrying on the said Elections, differing from the peaceable Method established for chusing Members of Assembly, has occasioned some Disorders and Tumults, which should be avoided for the future: THEREFORE IT IS ENACTED by WILLIAM KEITH, Esq; by the King's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; Proprietor and Governor in chief of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That such Persons as have no Right to elect or to be elected, according to a Law of this Province, made in the Fourth Year of the late Queen Anne's Reign, entituled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections*, shall not have any Right of electing or being elected Sheriffs, Coroners or Assessors in or for any County of this Province.

*Altered by the
11th Geo. I.*

AND that all and every Person and Persons who, by Virtue of the said Act, shall from time to time come to elect Representatives to serve in Assembly, shall deliver, in Writing, to the Judges of those respective Elections, in one Piece of Paper, distinctly written, as well the Names of eight Persons for whom they vote to serve in Assembly, as also the Names of a double Number of such Persons as they would have to be Sheriffs and Coroners; and also the Names of six Persons to be Assessors, for each County in this Province.

*Persons cho-
sen to be
Sheriffs, &c.
how to be
qualified.*

AND that the Persons who, by Majority of Votes given, according to the Direction of this Act, shall be chosen for Sheriffs and Coroners in the said respective Counties, shall be returned, presented and impowered to serve and act in their respective Offices, in Manner and Form, and under the Penalties, Qualifications and Directions specified in a Law of this Province, entituled, *An Act for regulating Elections of Sheriffs and Coroners*: And the Persons so as aforesaid chosen to be Assessors for the said respective Counties, shall be returned and entred on Record at the Court of Quarter-Sessions in the proper County, next after every such Election, according to the Tenor and Intent of the Law,

Law, entituled, *An Act for raising County Levies*, and shall be enabled to act as Assessors, pursuant to the Powers given them by that or any other Act or Law of this Province.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Inhabitants and Freeholders of the City of *Philadelphia*, shall observe and use the same Method in choosing their Assessors, as is herein above directed for the Choice of other Assessors.

City of *Philadelphia* how to choose their Assessors:

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every the above-mentioned Acts, and all other Acts of Assembly relating to the said Elections, and all the Powers, Provisions, Penalties, Clauses, Matters and Things therein contained (except only such Part and Parts thereof touching which other Provision or Alterations are hereby made) shall continue and be in full Force as if the same were repeated and re-enacted in the Body of this Act.

The Acts recited herein concerning Elections to continue in Force.

C H A P. CCXIV.

An ACT for laying a Duty upon sundry Liquors retailed in this Province. Expired.

C H A P. CCXV.

An ACT for the more effectual Raising of County Rates and Levies. Supplied.

C H A P. CCXVI.

An ACT for the Advancement of Justice, and more certain Administration thereof.

WHEREAS King *Charles* the Second by his Royal Charter to *William Penn*, Esq; for erecting this Country into a Province, did declare it to be his Will and Pleasure, That the Laws for Regulating and Governing of Property within the said Province, as well for the Descent and Enjoyment of Lands, as for the Enjoyment and Succession of Goods and Chattels, and likewise as to Felonies, should be and continue the same as they should be for the time being by the general Course of the Law in

Recital of the Royal Charter.

the Kingdom of *England*, until the said Laws shall be altered by the said *William Penn*, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

The common Law of *England* extends hither.

AND WHEREAS it is a settled Point, as the common Law is the Birth-Right of *English* Subjects, so it ought to be their Rule in *British* Dominions: But Acts of Parliament have been adjudged not to extend to these Plantations, unless they are particularly named in such Act.

NOW forasmuch as some Persons have been encouraged to transgress certain Statutes against capital Crimes, and other Enormities, because those Statutes have not been hitherto fully extended to this Province:

Trials of High-Treason.

THEREFORE lest there should be any further Failure in that Behalf, may it please the Governor, that it may be enacted, AND BE IT ENACTED by WILLIAM KEITH, Esq; by the King's Royal Approbation Deputy-Lieutenant and Governor under the said WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all Inquests and Trials of High Treason shall be according to due Order and Course of the Common Law, observing the Directions of the Statute-Laws of *Great Britain*, relating to the Trials, Proceedings and Judgments in such Cases.

Trials of Petty-Treason, Murder, and other capital Crimes.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Inquiries and Trials of all Petty-Treasons, Misprisions of Treasons, Murder, Manslaughters, Homicides, and all such other Crimes and Misprisions, as by this Act or any other Act of Assembly of this Province, are or shall be made capital, or Felonies of Death (which have been or shall be done, committed, perpetrated or happen within this Province) shall be as by this Act is directed.

Trials in *England* upon Oath.

AND WHEREAS the several Crimes declared by this Act to be Felonies of Death, are by the Course of the Laws of that Part of *Great Britain* called *England*, to be enquired of and tried by Justices, Juries and Witnesses upon their Oaths.

BUT

BUT forasmuch as the greater Part of the Inhabitants of this Province are such who for Conscience-sake cannot take an Oath in any Case; yet without their Assistance Justice cannot be well administred, and too great a Burthen will fall upon the other Inhabitants: **BE IT THEREFORE ENACTED** by the Authority aforesaid, That all and all Manner of Crimes and Offences, Matters and Causes whatsoever, to be enquired of, heard, tried and determined by Virtue of this or any other Act or Law of this Province, or otherwise, shall and may be enquired of, heard, tried and determined by Judges, Justices, Inquests and Witnesses qualifying themselves according to their conscientious Persuasion respectively, either by taking a corporal Oath, or by taking the solemn Affirmation allowed by Act of Parliament to those called *Quakers* in *Great Britain*.

As the greater Part of the Inhabitants cannot take Oaths, all Crimes may be tried upon Oath or Affirmation.

WHICH Affirmation of such Persons as conscientiously refuse to take an Oath, shall be accounted and deemed in the Law to have the full Effect of an Oath, in any Case whatsoever in this Province.

Affirmation to have the Effect of an Oath.

AND that all such Persons as shall be convicted of falsely and corruptly affirming or declaring any Matter or Thing, which, if the same had been upon Oath, would by Law amount to wilful and corrupt Perjury, shall incur the same Penalties, Disabilities and Forfeitures as Persons convicted of wilful Perjury do incur by the Laws of *Great Britain*.

False Affirmations to be punished as Perjury.

AND that upon all Trials of the said capital Crimes, lawful Challenges shall be allowed, and learned Council assigned to the Prisoners, and shall have Process to compel Witnesses to appear for them upon any of the said Trials. But before such Witnesses shall be admitted to depose or give any Manner of Evidence, they shall first take an Oath or Affirmation, *To say the Truth, the whole Truth, and nothing but the Truth*, in such Manner as the Witnesses for the King are by the Laws of this Province obliged to do: And if convicted of any wilful Perjury in such Evidence, shall suffer all the Punishments, Penalties, Forfeitures and Disabilities which by any of the Laws and Statutes of *Great Britain* are or may be inflicted upon Persons convicted of wilful Perjury.

Upon Trial of capital Crimes Challenges to be allowed & Council assigned to Prisoners, and Process to bring in Witnesses for them.

If such Witnesses be convicted of Perjury to be punished, &c.

BUT if any of the said Prisoners shall upon their Arraignment for any of the said Crimes stand mute, or not answer

Mute Persons suffer as Felons convicted, &c.

answer directly, or shall peremptorily Challenge above the Number of Twenty Persons returned to serve of the Jury, he or they so offending shall suffer as a Felon convict; and shall lose the Benefit of Clergy, and of this Act, in the same Manner as he or they should have done if they had been indicted, arraigned and found Guilty, if it appear to the Justices, before whom such Felons be arraigned, by Evidence given before them, or by Examination, that the same Felonies whereon they are so arraigned, had been such Felonies, by Reason whereof they should have lost the Benefit of their Clergy.

Persons convicted to suffer as in *England*.

AND when any Person or Persons shall be so as aforesaid convicted or attainted of any of the said Crimes, they shall suffer as the Laws of *Great Britain* now do or hereafter shall direct and require in such Cases respectively.

The Justices to give Judgment according-

AND it shall and may be lawful for the Justices of the Court where any of the said Attainders or Convictions shall happen, to give and pronounce such Judgment or Sentence against the Persons so attainted or convicted, as their Crimes respectively require, according to the Manner, Form and Direction of the Laws of that Part of *Great Britain* called *England* in the like Cases; and thereupon to award and order Execution to be done accordingly.

Persons convicted of Sodomy, &c. to suffer as Felons.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall commit Sodomy or Buggery, or Rape or Robbery; which Robbery is done by assaulting another on or near the Highway, putting in Fear, and taking from his Person Money or other Goods, to any Value whatsoever, he or they so offending or committing any of the said Crimes within this Province, their Counsellors, Aiders, Comforters and Abettors being convicted thereof as abovesaid, shall suffer as Felons, according to the Tenor, Direction, Form and Effect of the several Statutes in such Cases respectively made and provided in *Great Britain*; any Act or Law of this Province to the Contrary in anywise notwithstanding.

It shall be Murder in Women to conceal the Death of their Bastards.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Woman shall be delivered of any Issue of her Body, Male or Female, which, being born alive, should, by the Law, be deemed a Bastard, and that she endeavour privately, either by drowning or secret Burying thereof, or any other Way, either by herself
or

or the procuring of others, so to conceal the Death thereof as that it may not come to Light, whether it were born alive or not, but be concealed; in every such Case the Mother so offending being convicted thereof, according to the usual Course of Proceeding in capital Crimes within this Province, shall suffer Death, as in Case of Murder; except such Mother can make Proof, by one Witness at the least, that the Child (whose Death was by her so intended to be concealed) was born dead.

AND if any Person or Persons shall counsel, advise or direct such Woman to kill the Child she goes with, and after she is delivered of such Child, she kills it, every such Person so advising or directing, shall be deemed accessory to such Murder, and shall have the same Punishment as the Principal shall have. Accessaries to such Murder.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Statute against Stabbing, made in the first Year of the Reign of King James the First, Chapter the Eighth, entituled, *An Act to take away the Benefit of the Clergy for some kind of Manslaughter*, shall be duly observed and put in Execution in this Province, and be of like Force and Effect as if the same Act were here repeated and enacted; but that all such Persons as shall happen to be present and Aiding to the Stabbing another, which by the said Act is made Murder, shall not be deemed Principals, but Accessaries to such Stabbing. The Statute against Stabbing extended hither. Accessaries.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, on Purpose, and of Malice-forethought, and by laying in Wait, shall unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose, cut off the Nose or Lip, or cut off or disable any Limbs or Members of any of the King's Subjects, with Intention in so doing to maim or disfigure in any of the Manners before-mentioned, such his Majesty's Subjects, that then and in every such Case the Person or Persons so offending, their Counsellors, Aiders and Abettors, knowing of and privy to the Offence as aforesaid, shall suffer Death, as in Cases of Felony, without Benefit of Clergy. Persons convicted of putting out an Eye, or disabling any Member shall suffer as Felons.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That another Statute, made in the first Year of the Reign of King James the First, Chapter the Twelfth, entituled, *An Act against Conjuraton, Witchcraft and Dealing with evil and wicked Spirits*, shall be Note, The Act of Parliament of the 1st Jac. I. is repealed.

duly put in Execution in this Province, and of like Force and Effect as if the same were here repeated and enacted.

AND BE IT FURTHER ENACTED

Persons convicted of Burglary shall suffer Death, without Benefit of Clergy.

by the Authority aforesaid, That if any Person or Persons shall be so as aforesaid convicted of Burglary; which is a Breaking and Entering into the Dwelling-House of another in the Night-time, with an Intent to kill some reasonable Creature, or to commit some other Felony within the same House, whether the felonious Intent be executed or not, he or they so offending within this Province, being convicted thereof as aforesaid, shall suffer Death, without Benefit of Clergy; any Law of this Province to the Contrary notwithstanding.

Persons convicted of burning Houses, &c. shall suffer Death:

AND if any Person or Persons shall be so as aforesaid convicted of maliciously and voluntarily burning the Dwelling-House, Barn, Stable or Out-House of another, having Corn or Hay therein, he or they so offending within this Province, shall suffer Death; any Law of this Province to the Contrary notwithstanding.

AND BE IT FURTHER ENACTED

If the Principal Offender stands mute, or challenges above 20 of the Jury, Accessaries may nevertheless be proceeded against, &c.

by the Authority aforesaid, That if any Principal Offender in any capital Crime (which by the Laws of this Province for the time being is made Felony of Death) shall be convicted of any such Felony, or shall stand mute, or peremptorily challenge above the Number of Twenty Persons returned to serve of the Jury, it shall and may be lawful to proceed against any Accessary, either before or after the Fact, in the same Manner as if such Principal Felon had been attainted thereof, notwithstanding any such Principal Felon shall be admitted to the Benefit of his Clergy, pardoned or otherwise delivered before Attainder; and every such Accessary shall suffer the same Punishment, if he or she be convicted, or stand mute, or peremptorily challenge above the Number of Twenty Persons returned to serve of the Jury, as he or she should have suffered if the Principal had been attainted.

AND BE IT FURTHER ENACTED

Concealers of Robbers, &c. if they pray the Benefit of this Act, not to suffer Death.

by the Authority aforesaid, That if any Person or Persons shall receive, harbour or conceal any of the said Robbers or Burglars, Felons or Thieves, or shall receive or buy any Goods or Chattels that shall be feloniously taken or stolen by

by any such Robbers or Burglars, Felons or Thieves, knowing the same to be stolen, and being so as aforesaid convicted of either of the said Offences; if he or they pray to have the Benefit of this Act, in Lieu of Clergy, Judgment of Death shall not be given against them upon such Conviction, nor Execution awarded upon any Outlawry for such Offence, but they shall be burnt in their Hands, in Manner as herein after directed.

PROVIDED ALWAYS, That if any such Principal Robber or Burglar, Felon or Thief cannot be taken so as to be prosecuted and convicted for any such Offence, nevertheless it shall be lawful to prosecute and punish every such Person and Persons, buying or receiving any Goods stolen by any such Principal Felon, knowing the same to be stolen, as for a Misdemeanor, to be punished by Fine and Imprisonment, or other such corporal Punishment as the Court shall think fit to inflict, altho' the Principal Felon be not before convict of the said Felony: Which Punishment shall exempt the Offender from being punished as Accessary if such Principal Felon shall afterwards be taken and convicted.

Though the principal Felon is not taken, Accessaries may be prosecuted.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons who have been indicted or appealed, or hereafter shall be indicted or appealed for any of the said Crimes, did not, or will not appear to answer such Indictment or Appeal, the Justices before whom the same hath been or shall be taken, shall award a Writ called *Capias* against every such Offender, directed to the Sheriff of the County where the Party indicted or appealed are, by such Indictment or Appeal, supposed to be conversant or inhabit, returnable before the Justices of that Court where such Party is or shall be so indicted or appealed, at the Supream. or Provincial Court next after the taking of such Indictment or Appeal; by which Writ of *Capias* the same Sheriff shall be commanded to take the Body of him or them so indicted or appealed, if he or they can be found in his Bailiwick: And if he or they cannot be found, the Sheriff shall make Proclamation in every Court of Quarter-Sessions which shall be held for the said County where the said Party indicted or appealed is supposed to inhabit or be conversant as aforesaid, *That he or they being so indicted or appealed shall appear before the said Justices at the said Supream-Court, on the Day of the Return of the said Writ of Capias, to answer our Lord the King, or to*

If Persons indicted, &c. will not appear, *Capias* shall be awarded.

If not found, the Sheriff to make Proclamation in Quarter-Sessions, &c.

the Party, of the Treason, Felony or Trespafs whereof he or they are so indicted or appealed. Which Writ shall be delivered

How the Justices, after such Writ being served & returned, and the Offender does not appear, shall proceed, &c.

to the said Sheriff or Sheriffs three Months before the Return thereof; after which Writ of *Capias* so served and returned, if he who is so indicted or appealed comes not at the said Day of Return of the said *Capias*, and yield his Body to the Sheriff, he shall be, by the Justices of the said Supream-Court, pronounced *Out-law'd, and attainted of the Crime whereof he is so indicted or appealed* as aforesaid. And from that Time shall forfeit and lose all his Lands and Tene-

All Forfeitures here-mentioned shall, after the Criminals Debts are paid, go, one Half to the Governor, & the other Half to the Criminals Wife and Children.

If no Wife & Children, to the next of Kin; and if not claimed in 3 Years to the Governor.

ments, Goods and Chattels. Which Forfeiture, and all other Forfeitures expressed or implied by the Judgments to be given upon the said capital Offences mentioned in this Act, after such Criminals just Debts and reasonable Charges of their Maintenance in Prison are deducted, shall go, one Half to the Governor for the time being, towards Support of this Government, and for Defraying the Charges of Prosecution, Trial and Execution of such Criminals; and the other Half or Residue thereof shall go to such Criminal's Wife and Children equally: But if he leaves no Wife or Children, then to the next of his Kindred, not descending lower than the second Degree; to be claimed within three Years after the Death of such Criminals; otherwise the same shall go to the Governor as aforesaid; any Law or Usage to the Contrary notwithstanding.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority

Persons convicted of capital Crimes liable to be arrested by their Creditors, and Execution may go against their Lands, &c.

aforesaid, That where any Person or Persons charged, committed to Prison, or convicted of any of the said capital Crimes, being justly indebted to any other Person or Persons, he or they so indebted may be arrested, or their Goods and Chattels attached to answer the Suits of their respective Creditors, who making due Proof that the Debts or Sums demanded are really and without Fraud due, shall recover Judgment for the same, and Executions may be awarded against the Lands, Goods and Chattels of such Defendants, as is usual in other Cases.

Breakers of Prisons:

PROVIDED ALSO, That he or they who shall happen to break Prison, shall not have Judgment of Life or Member for breaking of Prison only, except the Cause for which he or they were taken and imprisoned did require such Judgment, had he been convict according to Law.

AND

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if any Person be convicted of any such Felony as is hereby made capital, for which he ought by the Laws of *Great Britain* to have the Benefit of his Clergy, and shall pray to have the Benefit of this Act, he shall not be required to read, but without any Reading shall be allowed, taken and reputed to be and punished as a Clerk Convict, and burnt, if for Murder, with an [M] upon the Brawn of the left Thumb; and if for any other Felony, with a [T] in the same Place of the Thumb: Which Marks are to be made by the Goaler in open Court, as is usual in *Great Britain*; which shall be effectual to all Intents and Purposes, and be as advantageous to him as if he had read as a Clerk; any Law or Usage to the Contrary notwithstanding.

Persons convicted of capital Felonies, in which they ought to have the Benefit of the Clergy, may pray the Benefit of this Act; and, without Reading shall be as Clerks convicted, &c. burnt in the Hand.

AND that the said Justices before whom such Offender or Offenders shall be tried and convicted, shall also, at their Discretion, award and give Judgment, That such Offender and Offenders shall be committed to some House of Correction, or Publick Work-House within the County, City, Town or Place where such Conviction shall be, there to remain and be kept without Bail or Mainprize for such Time as such Justices shall then judge and award, not less than six Months, and not exceeding two Years, to be accounted from the Time of such Conviction, and an Entry thereof shall be made of Record, pursuant to such Judgment and Award; and such Offender and Offenders so judged and awarded to remain and be kept in such House of Correction or Publick Work-House, shall be there set at Work and kept at hard Labour, for and during such Time as shall be so adjudged and recorded: And in Case such Person or Persons shall refuse or neglect to work and labour as they ought to do, the Master or Keeper of such House of Correction, or Publick Work-House respectively, is hereby required to give such Persons such due Correction as shall be fit and necessary in that Behalf.

The Justices may award such Offenders to some House of Correction, &c.

If the Offenders refuse to Work, then to be corrected.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That in case any such Offender or Offenders shall, after such Judgment given, escape out of Prison, or out of such House of Correction or Publick Work-House as he, she or they shall be committed unto as aforesaid, such Person or Persons being afterwards re-taken shall be brought before one or more of the Provincial Judges, or before two or more of the Justices of the Peace of such County,

If Offenders escape and be re-taken, not to be committed, &c. for less than Twelve-Months, nor above 4 Years

County, City, Town or Place where such Offender or Offenders shall be so re-taken; which Judge or Justices are hereby required to commit such Offender and Offenders to some House of Correction, or Publick Work-House, within such County, City, Town or Place where he, she or they shall be so re-taken, there to remain without Bail or Mainprize, for any Time not less than twelve Months, and not exceeding four Years, to be accounted from the Time of such Re-taking, and there be set at Work, and kept at hard Labour, and receive such due Correction as aforesaid.

If the Master of such House of Correction neglect his Duty, any Provincial Judge may remove him.

AND in case any Master or Keeper of any House of Correction, or Publick Work-House, shall neglect to do his Duty as above directed, any Judge or Justice of Goal Delivery, upon Complaint, and due Proof thereof, upon the Oath or Affirmation of one or more Witnesses, to him made, shall be and is hereby impowered to remove such Person from his said Office.

AND BE IT FURTHER ENACTED

A Woman convicted of Felony, may pray the Benefit of this Act, be burnt in the Hand, and kept in Prison, &c.

by the Authority aforesaid, That where a Man being convicted of any Felony, for which he may demand the Benefit of his Clergy; if a Woman be convicted for the same, or like Offence, upon her Prayer to have the Benefit of this Act, Judgment of Death shall not be given against her upon such Conviction or Execution awarded upon any Outlawry for such Offence, but shall suffer the same Punishment as a Man should suffer that has the Benefit of his Clergy allowed him in the like Case, *That is to say*, shall be burnt in the Hand in Manner aforesaid; and further to be kept in Prison for such Time as the Justices in their Discretion shall think fit, so as the same do not exceed one Year.

Persons who had once the Benefit of this Act being again convicted, &c. shall suffer Death.

BUT if any Man or Woman who have once the Benefit of this Act as aforesaid, and shall be again convicted of any other Felony hereby made Capital or Felony of Death, for which a Man might have the Benefit of his Clergy, every such Man and Woman shall be and are hereby totally excluded from having any Benefit or Advantage of this Act, but shall suffer Pains of Death as in Cases where the Benefit of Clergy is by Law taken away.

AND BE IT FURTHER ENACTED

Felonies committed in one County, and Accessories in

by the Authority aforesaid, That where any Murder or Felony hath been or hereafter shall be committed in one County of this Province, and one or more Persons shall be
Accessory

Accessary or Accessaries to any such Murder or Felony in another County; that then an Indictment found or taken against any such Accessary or Accessaries, upon the Circumstance of such Matter before Justices of the Peace, or other Justices or Commissioners, to enquire of Felonies in the County where such Offences of Accessary or Accessaries in any Manner have been or shall be committed or done, shall be as good and effectual in Law, as if the said principal Offence had been committed or done within the same County where the Indictment against such Accessary hath been or shall be found.

another, Indictment against such Accessary shall be effectual.

AND that the Justices of the said Supream-Court, or two of them, upon Suit to them made, shall write to the Keepers of the Records where such Principal is or shall be hereafter attainted or convicted, to certify them, whether such Principal be attainted, convicted, or otherwise discharged of such principal Felony: Who upon such Writing to them, or any of them directed, shall make sufficient Certificate in Writing, under their Seal or Seals, to the said Justices, whether such Principal be attainted, convicted, or otherwise discharged or not. And after they who so have the Custody of such Records, do certify, that such Principal is attainted, convicted, or otherwise discharged of such Offence by the Law, then the Justices of Goal-Delivery or Oyer and Terminer shall proceed upon every such Accessary in the County where he or they became Accessary, in such Manner and Form as if both the said principal Offence and Accessary had been committed and done in the same County where the Offence of Accessary was or shall be committed or done.

Justices of the Supream-Court shall write to the Keepers of the Records, to know whether such Principal has been convicted, &c. And if appearing that such Principal is attainted, &c. they may proceed against the Accessary.

AND that every such Accessary, and other Offenders above expressed, shall answer upon their Arraignments, and receive such Trial, Judgment, Order and Execution, and suffer such Forfeitures, Pains and Penalties, as is used in other Cases of Felony; and as the Statute made in the Second and Third Years of King Edward the Sixth, Chapter the Twenty-fourth, entituled, *An Act for the Trial of Murders and Felonies committed in several Counties*, doth direct in such Cases; which Statute shall be observed in this Province; any Law or Usage to the Contrary notwithstanding.

Every such Accessary to answer and be adjudged, &c. as by the Statute of 2d and 3d of Ed VI. Chap. 24.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Person who shall unlawfully and corruptly procure any Witness to commit wilful Penalties, &c. on Subornation of Perjury.

wilful and corrupt Perjury in any Matter or Cause depending in Suit and Variance in any of the Courts of Judicature within this Province, or shall unlawfully and corruptly procure and suborn any Witnesses to testify upon Oath or Affirmation, in any Matter, Cause or Thing whatsoever, such Offender shall forfeit the Sum of *Forty Pounds*, one Half thereof to the Governor, for the Support of this Government, and the other Half to the Party grieved: But for want of Lands, Goods or Chattels to satisfy the said *Forty Pounds*, every such Offender, being convicted or attainted of Perjury or Subornation aforesaid, shall, for his said Offence, suffer Imprisonment by the Space of six Months, without Bail, and stand on the Pillory the Space of one whole Hour, in some Market or publick Place where the Offence was committed; and shall suffer all the other Punishments, Penalties, Forfeitures and Disabilities which are inflicted upon such Offenders by any Law or Statute of *Great Britain*.

The Statute of 5th of Eliz. Ch. 9. against Perjury shall be observed here.

AND that the Statute made in the Fifth Year of Queen *Elizabeth*, Chapter the Ninth, entituled, *An Act for Punishment of such Persons as shall procure or commit any wilful Perjury*, shall be observed in this Province, and be duly put in Execution, as well against those who shall falsify their Affirmations, as those who shall falsify their Oaths or be convicted of Subornation or Perjury.

Justices of Goal-Delivery to give Judgment of Death against Persons re-
rieved.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in all Cases where any Person or Persons have been or shall be found guilty of any of the said Crimes, for which Judgment of Death should or may ensue, and shall be reprieved to Prison without Judgment at that Time given him, her or them so found guilty; that those who now are, or hereafter shall be assigned Justices, or deliver the Goal where any such guilty Persons shall remain, are hereby impowered and authorized to give Judgment of Death, and award Execution against such Persons so found guilty and reprieved, as the same Justices before whom such Person or Persons was or were found guilty, might have done before such Reprieve.

No Process to be discontinued by, &c.

And that no manner of Process or Suit made, sued, or had before any of the King's Justices of the Supream or Provincial Court, Goal-Delivery, Oyer and Terminer, Justices of the Peace, or other the King's Commissioners, in this Province, shall not in any wise be discontinued by the making

making and publishing of any new Commission or Association, or by altering the Names of the Justices of the said Supream-Court, Goal-Delivery, Oyer and Terminer, Justices of the Peace, or other the King's Commissioners; but that the new Justices of the Supream-Court, Goal-Delivery and of the Peace, and other Commissioners, may proceed in every respect as if the old Commissions and Justices, and Commissioners, had still remained and continued unaltered.

AND that no Process, Pleas, Complaints, Suits, Actions or Proceedings whatsoever, which now are, or at any Time hereafter shall be commenced, sued, brought or depending before any of the said Justices of the Supream-Court, Justices of the Courts of Common-Pleas, or other the King's Justices, Commissioners or Magistrates in this Province, shall be discontinued or put without Day, by Reason of the Death or Removal of the Proprietary or his Lieutenant-Governor of this Province, or by the Death, new Commission, or not coming of the said Justices or Commissioners, or any of them; but shall stand good and effectual in Law to all Intents and Purposes, notwithstanding the Death or Removal of the said Proprietary and Governor, or of the Death, new Commission, Association, or not coming of the said Justices, or any of them.

Nor by the Death or Removal of the Proprietary, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, after the First Day of *October*, in this present Year *One Thousand Seven Hundred and Eighteen*, shall commit any simple Larceny, which is not by this Act made Felony of Death, and be duly convicted thereof at the Court of Quarter-Sessions of the Peace, to be held for the respective County where such Offence is committed; or where the Offender becomes Accessary in this Province, he, she or they so offending, their Aiders, Comforters and Abettors, shall, for the first Offence, restore the Goods and Chattels so stolen to the right Owner or Owners thereof, or shall pay him or them the full Value of such Goods, or so much of them as cannot be restored; which Value shall be set by such Persons as the Court, before whom such Offenders are convicted, shall appoint to do the same, upon their Oaths or Affirmation; and the said Offenders shall also pay the Costs of Prosecution, with all such other Sums of Money as the same Court shall allow for such Owner or Owners Loss of Time, Charges and Disbursement in the Apprehending and Prosecution of such Offender.

The Punishment of Persons convicted of Larcenies; for the first Offence.

Further Punishment for the first Offence.

A N D moreover shall forfeit and pay the like Value of the Goods to the Governor, for the Support of this Government, and shall be committed to the common Goal of the County where they are convicted, there to remain till they make Satisfaction for all the Sums so to be adjudged or recovered against them, and moreover shall be publicly whipped on his or their bare Back with Stripes well laid on, not exceeding Twenty-one.

For the Second.

A N D that he or they who shall so as aforesaid be convicted of the second Offence, and his and their Aiders, Comforters and Abettors, shall pay to the right Owner or Owners of the Goods and Chattels so stolen, the full Value of such Goods and Chattels, or of so much of them as are not restored; which Value shall be set as aforesaid, and the said Offenders shall also pay the Costs and Charges aforesaid; to be allowed as above-mentioned.

A N D moreover, shall forfeit and pay the double Value of the said Goods to the Governor, for the Support of this Government, and shall be committed in the common Goal of the County where they are convicted, there to remain till they make Satisfaction as aforesaid, and shall be publicly whipped on their bare Backs, with Stripes well laid on, not less than Twenty-one, nor exceeding Forty.

For the third.

A N D he or they who shall be so as aforesaid convicted of the Third Offence, and his or their Aiders or Abettors, shall pay to the right Owner or Owners of such stolen Goods the full Value thereof, to be set as aforesaid, and the said Offenders shall also pay the Costs and Charges aforesaid, to be allowed as aforesaid; and shall also forfeit and pay the like treble Value to the Governor, for the Support of this Government, and shall be committed to the County Goal, there to remain till they make Satisfaction as aforesaid; and shall be publicly whipped on his or their bare Backs, with Stripes well laid on, not less than Thirty-nine, nor exceeding Fifty.

Justices may send the Offenders to the House of Correction.

A N D that the said Justices before whom such Offenders shall be tried and convicted of the Third Offence, shall also, at their Discretion, award and give Judgment, that such Offenders shall be sent to some House of Correction, or Publick Work-House, and there to be set at Work, corrected, and remain without Bail for such Time as the said Justices shall then judge and award, not less than twelve Months,

Months, and not exceeding four Years, to be accounted from the Time of such Conviction, and an Entry shall be thereof made accordingly, as is herein above directed in other Cases.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That none of the said Imprisonments hereby awarded, as Part of the Punishment of the said Offenders, or any of them, shall stop or avoid the Awarding or Taking out of Execution to levy so much of the respective Sums recovered against them as aforesaid, as such Offenders refuse or neglect to pay when such Writs are taken out. Which Executions shall be directed to the Sheriff or Coroner of the proper County, requiring him to levy the Sums due upon such Recoveries as aforesaid, of the Lands and Tenements, Goods and Chattels of such Offenders, returnable to the Court of Quarter-Sessions, next after the Date or Tests of such Writs; which shall be executed accordingly, and the Lands, Goods and Chattels thereby seized, shall be sold and conveyed by the said Officers; and such Sales shall be as available and effectual in Law as any other Sales of Lands taken and sold for Payment of Debts by Virtue of Writs of Execution, awarded out of the Courts of Common-Pleas in the said respective Counties.

Imprisonments, &c. not to stop Execution against their Estates.

Which Executions are directed to the Sheriffs, &c. returnable to the Quarter-Sessions, and Lands sold as in other Cases.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the said Forfeitures arising from Offenders who shall be convicted of the said Simple-Larcenies, and by this Act directed to be applied for Support of Government, shall be duly levied by the Sheriffs of the respective Counties, and shall be paid into the Treasury of this Province from time to time, as soon as the same be levied; and the Provincial-Treasurer for the time being shall keep true and just Accounts thereof, and shall issue and pay the same to the Use and publick Service of this Government.

The Forfeitures arising from Simple-Larcenies for Support of Government, shall be paid to the Provincial Treasurer.

PROVIDED, That the Forfeitures arising from the said Simple-Larcenies committed within the City of Philadelphia, shall go as their Charter directs.

Excepting Philadelphia.

PROVIDED ALSO, AND IT IS HEREBY ENACTED AND DECLARED, That the Testimony of the said Owners of stolen Goods shall be allowed and taken to be good Evidence to convict the said Felons

The Testimony of Owners of stolen Goods to be Evidence.

Repeal of two Laws: Felons for such Stealing: And that the Law of this Province, entituled, *An Act against Robbing and Stealing*, passed in the Fourth Year of the late Queen Anne; and another Act directing the Punishment of Petty-Larceny under Five Shillings, shall be and are hereby repealed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall agree or compound to take Satisfaction for any Stealing, or Goods stolen, such Person shall forfeit twice the Value of the Sums agreed for or taken: But no Person shall be debarred from taking his Goods back which are stolen, provided he prosecute the Felons.

Such as compound for stolen Goods forfeit twice the Value, &c. But may take the Goods back, &c.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Indictment, Presentment, or Inquisition, or any Process whatsoever, now depending in any Court within this Province for any of the Crimes or Offences mentioned in this Act, shall be discontinued, abated or quashed for or by Reason of this Act, or any thing therein contained; but that the Judges and Justices of the respective Courts within this Province shall proceed to hear, try and determine the said Offences in such Indictments, Presentments and Inquisitions, mentioned to be committed against any Act or Acts of Assembly of this Province as were in force at the Time of finding, making or taking the said Indictments, Presentments and Inquisitions, and thereupon to give Judgment, and award Execution, according to the Direction of the said respective Acts of Assembly, upon which the said Indictments, Presentments or Inquisitions are founded, as if the same Act or Acts of Assembly were by a special Clause in this Act continued for that Purpose; any thing herein contained to the Contrary notwithstanding.

No Indictment, &c. now depending shall be discontinued.

AT the Council-Chamber *Whitehall*
the *Twenty-sixth* Day of *May*,
One Thousand Seven Hundred and
Nineteen :

P R E S E N T

Their Excellencies the Lords Justices,

A. B. of <i>Canterbury</i> .	L. Chancellor.
L. President.	L. Privy-Seal.
L. Steward.	L. Chamberlain.
D. of <i>Marlborough</i> .	D. of <i>Roxbury</i> .
E. of <i>Sunderland</i> .	E. of <i>Barkley</i> .
Mr. Secretary <i>Craggs</i> .	D. of <i>Manchester</i> .
E. of <i>Westmoreland</i> .	E. of <i>Ilay</i> .
B. of <i>London</i> .	Mr. C. of the <i>Dutchy</i> .
General <i>Wills</i> .	E. of <i>Halifax</i> .

U P O N Reading this Day at the Board a Representation from the Lords Commissioners of Trade and Plantations, dated the First of this Instant, setting forth their having had under their Consideration an Act passed at an Assembly in *Pennsylvania*, held in *May*, *One Thousand Seven Hundred and Eighteen*, entituled, *An Act for the Advancement of Justice, and more certain Administration thereof*; and the said Commissioners, having taken the Opinion of Council learned in the Law touching the same, do humbly present the said Act as proper to be confirmed: Their Excellencies the Lords Justices in Council taking the same into their Consideration, are pleased (pursuant to the Powers reserved to his Majesty in the Charter of Propriety granted to *William Penn*, Esq;) to declare their Approbation of the said Act, and according to their Excellencies Pleasure thereupon expressed, the said Act is hereby

Confirmed, finally Enacted and Ratified : Whereof the Deputy-Governor, Council and Assembly of the said Province, and all others whom it may concern are to take Notice and govern themselves accordingly.

ROBERT HALES.

C H A P. CCXVII.

Vide Chap.
146. antea,
and Chap. 329.
3 Geo. II.
postea.

*An ACT for Supplying some Defects in the
Law for the Relief of the Poor.*

WHEREAS by a Law of this Province, entitled, *An Act for the Relief of the Poor*, it is provided, That the Overseers of the Poor for the respective Townships shall make Rates or Assessments for the Relief of the Poor, indigent and impotent Persons within the said Townships: But it is not ascertained what Settlement shall render one an Inhabitant relieveable by the said Act: **BE IT THEREFORE ENACTED** by WILLIAM KEITH, Esq; by the King's Royal Approbation Deputy-Lieutenant and Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That where any unmarried Person, not having Child or Children, is or shall be lawfully hired as a Servant into any City, Township or District in this Province, and did or shall continue and abide in the same Service during the Space of one whole Year, such Service shall be adjudged and deemed a good Settlement therein.

If an unmarried Person be hired as a Servant, & abide in the same Service one Year, it is a Settlement.

Apprentice-ship a good Settlement.

AND if any Person shall be bound an Apprentice by Indenture, and inhabit in any City or Township in this Province, such Binding or Inhabiting shall be adjudged a good Settlement.

He that bears an Office for a Year, pays Taxes, &c. gains a Settlement.

AND if any Person who hereafter shall come to inhabit in any of the said Townships or Districts, shall for himself, and on his own Account execute any publick annual Office or Charge in the said Township or District during one whole

whole Year, or shall be charged with and pay his Share towards the County Taxes or Levies for the Poor of the said Township or District, then he shall be adjudged and deemed to have a legal Settlement in the same.

AND that no other Person or Persons whatsoever who shall come into any County, City, Township or District within this Province, shall be adjudged to have procured a legal Settlement in such County, City, Township or District, unless he or they shall really and *bona fide* take a Lease of a Tenement or Plantation, of the yearly Value of *Five Pounds*, or unless he or they give sufficient Security for the Discharge of the said County, City, Township and District, to be allowed by any two Justices of the Peace or Magistrates of such County or City.

No other Person shall be deemed to have gained a Settlement, unless he take a Lease of a Tenement of *5 l. per Ann.* or give Security.

PROVIDED ALWAYS, That where any Person or Persons are come into any County, City, Township or District in this Province, out of any other County, City, Township or District, or out of any other Place or Province, and being likely to become chargeable to the Place where they are to come to inhabit; have been or shall be required by the Overseers of the Poor to return from whence they came, or give Security for the Discharge of the County, Township or Place where they are come to inhabit; he, she or they refusing or neglecting so to do, shall not be deemed to have acquired a legal Settlement by their Continuance in the Place or Places where they are so come to inhabit; but that upon Complaint made by the Overseers of the Poor of the proper Township or District, to any one or more of the Justices of Peace or Magistrates of the proper County or City respectively, where any of the said Persons (refusing or neglecting to return or give Security, or coming to settle in any Tenement or Plantation under the said yearly Value of *Five Pounds*, or not otherwise obtaining a lawful Settlement, according to the true Meaning of this Act) shall reside or be found at the Time of such Complaint, it shall and may be lawful to and for any two Justices of the Peace of the County or City where any of the said Persons who are likely to be chargeable to the Township or Place where they reside or shall come to inhabit, by their Warrant, to remove and convey such Person or Persons to the County, City, Township or Place where he, she or they were last legally settled, either as Native, Householder, Sojourner, Apprentice or Servant, unless he or they give sufficient Security for the Discharge of the said

Persons come out of other Counties, &c. if required to return, &c. not to be deemed to acquire a Settlement by their continuance.

Such Persons refusing to return, &c. two Justices may, by their Warrant, remove them to the Place where they last settled.

said County, City or Township; to be allowed by the said Justices.

The Party ag-
grieved by
such Order
may appeal to
the next Ses-
sions.

PROVIDED ALWAYS, That if any Person or Persons shall find, him, her or themselves aggrieved by any Order or Determination which any of the said Justices of the Peace or Magistrates shall make in any of the Cases abovesaid, such Person or Persons shall have Liberty to appeal to the next General Quarter-Sessions of the Peace for the County or City where such Determination shall be made: Who upon Hearing of such Appeal shall have full Power finally to determine the same, and to award Costs, as the Justices of the Peace at their Quarter-Sessions in Great Britain, by a Statute made in the Eighth and Ninth Year of King William the Third, are impowered and required to do in such Cases.

Who may fi-
nally deter-
mine the
same, and a-
ward Costs,
&c.

The Overseers
whereto any
shall be re-
moved, are to
receive them,
on Penalty,
&c.

AND if any Person be removed by Virtue of this Act from one County, City, Township or Place to another by Warrant under the Hands and Seals of two Justices of the Peace or Magistrates as aforesaid, that the Overseers of the Poor of the Township or District to which the said Persons shall be so removed are hereby required to receive the said Persons: And if any of the said Overseers shall refuse or neglect so to do, he or they so offending, upon Proof thereof by one or more credible Witnesses, upon Oath or Affirmation before any one of the Justices of the Supream-Court of this Province, shall forfeit for each Offence the Sum of *Five Pounds*, to the Use of the Poor of the Township or District from which such Person was removed; to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justices of the said Supream-Court, which they are hereby impowered and required to make, directed to the Constable of the Township where such Offender or Offenders dwell, returning the Overplus, if any be, to the Owner or Owners: And for want of sufficient Distress, then the Offender to be committed to the Goal of the County where he dwells, there to remain without Bail or Mainprize for the Space of Forty Days.

Persons ag-
grieved with
Judgment of
the two Jus-
tices may ap-
peal to the
Quarter-Ses-
sions, who
may deter-
mine, &c.

PROVIDED ALWAYS, That all such Persons who think themselves aggrieved with any such Judgment of the said two Justices, may appeal to the next General Quarter-Sessions of the Peace to be held for the County or City from which the said Person was so removed: And that the Appeal against any Order for the Removal of any poor

poor Person out of any Township or Place shall be had, prosecuted and determined at the General or Quarter-Sessions of the Peace for the County, City or Place from whence such poor Persons shall be removed, doth lie, and not elsewhere.

AND to the End that the Money raised only for the Relief of such as are impotent and poor may not be misapplied and consumed by the idle, sturdy and disorderly Beggars, BE IT FURTHER ENACTED by the Authority aforesaid, That every such Person as from the Twenty-fourth Day of June, in this present Year *One Thousand Seven Hundred and Eighteen*, shall be upon the Collection, and receive Relief of any County, City or Place, and the Wife and Children of any such Person cohabiting in the same House (such Child only excepted as shall be by the Overseers of the Poor permitted to live at Home, in order to have the Care of, and attend an impotent and helpless Parent) shall, upon the Shoulder of the right Sleeve of the upper Garment of every such Person, in an open and visible Manner, wear such Badge or Mark as is hereinafter mentioned and expressed, *That is to say*, a large Roman [P] together with the first Letter of the Name of the County, City or Place whereof such poor Person is an Inhabitant, cut either in red or blue Cloth, as by the Overseers of the Poor it shall be directed and appointed.

Poor Persons relieved by any County, &c. to wear a Badge, &c.

AND if any such poor Person shall at any time neglect or refuse to wear such Badge or Mark as aforesaid, and in Manner aforesaid, it shall and may be lawful for any Justice of the Peace of the County, City or Place where any such Offence shall be committed, upon Complaint to him for that Purpose made, to punish every such Offender for every such Offence, either by ordering of his or her Relief, or usual Allowance on the Collection, to be abridged, suspended or withdrawn; or otherwise, by committing such Offender to the House of Correction, there to be whipped and kept at hard Labour for any Number of Days not exceeding Twenty-one, as to the said Justice shall seem meet.

Punishment on such poor Persons not wearing a Badge.

AND if any such Overseer of the Poor shall relieve any such poor Person not having and wearing such Badge or Mark as aforesaid, being thereof convicted, upon the Oath or Affirmation of one or more credible Witnesses, before any Justice of the Peace of the County or City where such Offence shall be committed, shall forfeit, for every such

If the Overseers relieve such as wear not the said Badge, shall forfeit, &c.

Offence the Sum of *Twenty Shillings*; to be levied by Distress and Sale of the Goods of every such Offender, by Warrant under the Hand and Seal of any such Justice: One Moiety thereof to the Informer, and the other to the Poor of the Township or Place where the Offence shall be committed.

C H A P. CCXVIII.

An ACT to supply some Omissions in a Law passed at the last Sessions of Assembly, held for this Province, entituled, An Act for Raising a Duty of Tonnage upon Ships and Vessels. Exp.

C H A P. CCXIX.

An ACT for the better Encouraging the Trade of this Province. Obsolete.

C H A P. CCXX.

An ACT for laying a Duty on Wine, Rum, Brandy and Spirits, Cyder, Hops and Flax, imported into this Province. Expired.

C H A P. CCXXI.

An ACT concerning Feme-Sole Traders.

WHEREAS it often happens, That Mariners and others, whose Circumstances as well as Vocations oblige them to go to Sea, leave their Wives in a Way of Shop-keeping; and such of them as are industrious, and take due Care to pay the Merchants they gain so much Credit with, as to be well supplied with Shop-Goods from time to time, whereby they get a competent Maintenance for themselves and Children, and have been enabled to discharge considerable Debts left unpaid by their Husbands at their going away: But some of those Husbands have so far lost Sight of their Duty to their Wives and tender Children, that their Affections are turned to those who in all Probability will put them upon Measures not only to waste what they may get abroad, but
misapply

misapply such Effects as they leave in this Province: For Preventing whereof, and to the End that the Estates belonging to such absent Husbands may be secured for the Maintenance of their Wives and Children, and the Goods and Effects which such Wives acquire or are intrusted to sell in their Husband's Absence, may be preserved for Satisfying of those who so intrust them, may it please the Governor that it may be Enacted, **AND BE IT ENACTED** by WILLIAM KEITH, Esq; by the King's Royal Approbation Lieutenant Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That where any Mariners or others are gone or hereafter shall go to Sea, leaving their Wives at Shop-keeping, or to work for their Livelihood at any other Trade in this Province, all such Wives shall be deemed, adjudged and taken, and are hereby declared to be as Feme-sole-Traders, and shall have Ability, and are by this Act enabled to sue and be sued, plead and be impleaded at Law in any Court or Courts of this Province, during their Husbands natural Lives, without naming their Husbands in such Suits, Pleas or Actions: And when Judgments are given against such Wives for any Debts contracted or Sums of Money due from them since their Husbands left them, Executions shall be awarded against the Goods and Chattels in the Possession of such Wives, or in the Hands or Possession of others in trust for them, and not against the Goods and Chattels of their Husbands; unless it be made appear to the Court where those Executions are returnable, that such Wives have, out of their separate Stock or Profit of their Trade, paid Debts which were contracted by their Husbands, or laid out Money for the necessary Support and Maintenance of themselves and Children; then, and in such Case Execution shall be levied upon the Estate real and personal of such Husbands, to the Value so paid or laid out, and no more.

Who shall be adjudged to be Feme-sole-Traders, and may sue and be sued.

Debts being contracted by the Wife, in the Absence of the Husband, unless for Maintenance of herself and Children, Execution to be awarded against her Goods & Chattels.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any of the said absent Husbands, being Owner of Lands, Tenements, or other Estate in this Province, have aliened, or hereafter shall give, grant, mortgage or alienate from his Wife and Children any of his said Lands, Tenements or Estate, without making an equivalent Provision for their Maintenance, in

Sales, &c. of Lands made abroad by absent Husbands are void, unless sufficient Provision be made for, &c.

Lieu

thereof, every such Gift, Grant, Mortgage or Alienation shall be deemed, adjudged and taken to be null and void.

The Husband being Shipwreck'd may sell so much as to bring him home.

PROVIDED NEVERTHELESS, That if such absent Husband shall happen to suffer Shipwreck, or be by Sicknefs or other Casualty disabled to maintain himself, then and in such Case, and not otherwise, it shall be lawful for such distressed Husband to sell or mortgage so much of his said Estate as shall be necessary to relieve him and bring him home again to his Family, any thing herein contained to the Contrary notwithstanding.

The Lands of the Husband staying away, or living in Adultery, may be seized and taken in Execution.

BUT if such absent Husband, having his Health and Liberty, stays away so long from his Wife and Children, without making such Provision for their Maintenance before or after his going away, till they are like to become chargeable to the Town or Place where they inhabit; or in case such Husband doth or shall live in Adultery, or cohabit unlawfully with another Woman, and refuses or neglects, within seven Years next after his going to Sea or departing this Province, to return to his Wife and cohabit with her again, then and in every such Case the Lands, Tenements and Estate belonging to such Husbands, shall be and are hereby made liable and subject to be seized and taken in Execution, to satisfy any Sum or Sums of Money which the Wives of such Husbands or Guardians of their Children shall necessarily expend or lay out for their Support and Maintenance: Which Execution shall be founded upon Process of Attachment against such Estate, wherein the absent Husband shall be made Defendant; any Law or Usage to the Contrary in anywise notwithstanding.

C H A P. CCXXII.

An ACT for continuing the Duty on Negroes brought into this Province. Expired.

C H A P. CCXXIII.

An ACT for Raising a Duty upon Tonnage of Ships and Vessels. Expired.

C H A P. CCXXIV.

An ACT for Erecting of Houses of Correction and Work-Houses in the respective Counties of this Province.

WHEREAS the Proprietary, and first Adventurers, in their Principal Model of this Government, proposed, That for Crimes inferiour to Murder, the Punishment might be by Way of Restriction, Fine, Imprisonment, and such like; and where the Offender proved not of Ability to make such Satisfaction, then he should be kept in Prison or House of Correction at hard Labour: But no effectual Care has been yet taken to erect such Houses; by Reason whereof many Evil-Doers escape unpunished, and Servants, who, for Neglect and Abuses, should be kept to Work in such Houses, are become incorrigible: Therefore may it please the Governor that it may be Enacted, **AND BE IT ENACTED** by WILLIAM KEITH, Esq; by the Royal Approbation Deputy-Lieutenant and Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That from and after the First Day of May, which will be in the Year of our LORD, *One Thousand Seven Hundred and Eighteen*, from time to time, it shall and may be lawful to and for the Justices of the Peace of the City of *Philadelphia*, in Conjunction with the Justices of the Peace of the County of *Philadelphia*, and for the Justices of the Peace of other respective Counties of this Province, assembled at any Quarter-Sessions of the Peace within the same respective Counties, or major Part of them, to set down and make Orders for Building, Erecting, or Causing to be built and erected or provided, one or more Houses of Correction and Work-Houses, with convenient Back-sides or Yards thereunto adjoining, in some convenient Places within their several Counties or Towns corporate: For the Doing and Performing whereof, and for the providing Stocks of Money, Goods, and all other Things necessary for the same, all such Orders as the said Justices, or the major Part of them, shall, from time to time, take, reform or set down in any of the said Quarter-Sessions, for Erecting or Providing such Houses, Raising the said Stocks, and Governing the same,

Preamble.

Justices of the Peace at the Quarter-Sessions have Power to make Orders for Building of Houses of Correction, &c.

Their Use.

as also for the Correcting and Punishment of Offenders to be committed there, shall be of full Force, and be duly performed and put in Execution. Which said Houses shall be purchased, conveyed or assured unto such Person or Persons as by the Justices of the Peace, or the major Part of them, in the Quarter-Sessions of the Peace, to be holden within every County of this Province, upon Trust, to the Intent the same shall be used and imployed for the Keeping, Correcting and Setting to Work of all Rogues, Vagabonds, sturdy Beggars, and idle and disorderly Persons, who, by the Laws and Usage of *Great Britain*, or by the Laws of this Province, are to be kept, corrected or set at Work, in such Houses and Backsides.

AND BE IT FURTHER ENACTED

The Time limited for the Building the said Houses in each of said Counties.

by the Authority aforesaid, That within the Space of three Years, after the Twenty-fifth Day of *March*, in the Year of our LORD, *One Thousand Seven Hundred and Eighteen*, a House of Correction or Work-House shall be built in the City of *Philadelphia*, at the Charge of the said City and County of *Philadelphia*; and a House of Correction or Work-House shall be built in *Chester*, at the Charge of the the County of *Chester*; and another House of Correction or Work-House shall be built in *Bristol*, at the Charge of the County of *Bucks*.

AND BE IT FURTHER ENACTED

The Officers to be elected and chosen.

by the Authority aforesaid, That by the major Part of the Justices of the Peace for the said City and County of *Philadelphia*, and for the Counties of *Chester* and *Bucks* respectively, in their respective Quarter-Sessions assembled, there shall be elected and chosen out of the most able and honest Inhabitants and Freeholders of the said City and County of *Philadelphia*, and of the said Counties of *Chester* and *Bucks*, respectively, a President, a Treasurer and Assistants for the Houses of Correction, Work-House or Work-Houses in the said City and respective Counties; and that upon the Vacancy, by Death or otherwise, of any of the said Presidents, Treasurers or Assistants in the said respective Counties, the Power to elect others in their Rooms shall be in the major Part of the respective Justices of the Peace, who in their General Quarter-Sessions, from time to time, shall accordingly supply vacant Places.

Who shall be accountable yearly, &c.

AND the said President, Treasurer and Assistants for the Time being, shall be accountable for all their Disbursements and

and other Proceedings, to the said Justices or the major Part of them, who, at every Quarter-Sessions, are hereby directed and required to examine and inspect the Accounts and all other Proceedings of the said President, Treasurer and Assistants; and in case any notorious Neglect, Imbezzlement or Breach of Trust, shall at any time appear to the Justices against all or any one of the said Officers by them appointed as aforesaid, then the said Justices are hereby empowered to dismiss and displace all such Offenders, and to elect others in their Room.

AND that nothing may be wanting to render effectual the good Intent of this Act in all its Parts, may it please the Governor to condescend that it may be further Enacted, AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said President, Treasurer and Assistants for the Time being, respectively, shall, forever hereafter, in Name and Fact, be Bodies politick and corporate in Law, to all Intents and Purposes; and shall have a perpetual Succession, and may sue or be sued, and plead or be impleaded, by the Name of the President, Treasurer and Assistants for the Poor of the said respective Counties, in all Courts of Judicature within this Province, and by that Name every of the said Corporations shall and may purchase or receive any Lands, Tenements or Hereditaments, not exceeding the yearly Value of *Three Hundred Pounds per Annum*, of the Gift, Alienation or Devise of any Person or Persons, who are hereby enabled to transfer and grant the same, and any Goods and Chattels whatsoever into or for the Use and Benefit of the Corporations aforesaid.

And are made Bodies politick and corporate in Law; and have a perpetual Succession; may sue and be sued, &c. and may receive Lands to the Value 300 l. per Ann. &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said President, Treasurer and Assistants, or one of them, at least, in each County aforesaid, respectively, shall give punctual and constant Attendance at the Work-Houses and Houses of Correction to which they respectively belong, there to receive and execute the Orders given by the Commitments which shall happen to be made from time to time by any Justice of the Peace, or other Magistrate, having legal Power to commit and send to the said Work-Houses all Vagabonds, unruly Servants, and other idle or disorderly Persons, and the said Officers, in each County respectively, shall make Return to every Court of Quarter-Sessions, duly, of their Proceedings in the Premises.

And shall give punctual and constant Attendance, to receive and execute all Orders, &c.

AND

AND BE IT FURTHER ENACTED

Upon their
certifying the
Want of
Stock, &c. the
said Justices
may cause the
same to be
raised as
County-Le-
vies, to the
Value of, &c.

by the Authority aforesaid, That when the President, Treasurer and Assistants of any of the said Corporations shall certify, under their Hands and Seals, their Want either of present Stock for the Beginning of the Work, or for Supply thereof for the Future, and what Sum or Sums of Money they shall think fit for the same, to the Justices of the Peace of the said respective Counties, assembled in their Quarter-Sessions; the said Justices are hereby required from time to time to set down and ascertain such Sum and Sums of Money as they shall deem competent for the Purposes aforesaid, and to cause the same to be raised as County Rates are usually levied, so that they do not exceed, for the City and County of *Philadelphia*, the yearly Value of *Four Hundred Pounds*; for the County of *Chester*, the yearly Value of *Two Hundred Pounds*; and for the County of *Bucks*, the yearly Value of *One Hundred Pounds*.

AND BE IT FURTHER ENACTED

Under-Offi-
cers to be cho-
sen, &c. who
are to be Aid-
ing and Assis-
ting, &c.

by the Authority aforesaid, That the President, Treasurer and Assistants of any of the said Corporations, or Houses of Correction or Work-Houses, are hereby empowered to choose and entertain all such Officers as shall be needful to be employed in and about the Premises, and them, or any of them to remove as they shall see cause, and upon such Removal or Death of any of them, to choose others, and to make them reasonable Allowances for their Services out of the said Stock; and that all Sheriffs, Constables, and all other Officers and Ministers of Justice, shall be Aiding and Assisting to the said Corporation or Corporations, and to all such Officers as shall be employed by them in the Execution and Performance of the said Service.

C H A P. CCXXV.

An ACT for Erecting a Ferry to the Landing at or near the Land late of Daniel Cooper, deceased, and also to Gloucester, in the Western-Division of New-Jersey. Supplied.

C H A P. CCXXVI.

An ACT for establishing a Ferry over Delaware, at the Falls. Expired.

C H A P. CCXXVII.

An ACT for the Continuing the Ferry from Bristol, in the County of Bucks, to Burlington, in the Western-Division of the Province of New-Jersey. Expired.

C H A P. CCXXVIII.

An ACT empowering the Justices to settle the Prices of Liquors in Publick-Houses, and Provender for Horses in Publick-Stables.

WHEREAS it has been the Practice of Tavern-keepers, Ale-House-keepers and Innholders, to exact excessive Rates for their Wine, Beer, Cyder and other Liquors, and also Provender for Horses, without Regard to the Plenty and Cheapness thereof: **BE IT THEREFORE ENACTED** by WILLIAM KEITH, Esq; by and with the King's Royal Approbation Deputy-Lieutenant and Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That the Justices of the Peace of the respective Counties of this Province, as also the Mayor, Recorder and Aldermen of the City of *Philadelphia*, shall have full Power, four Times in the Year, *to wit*, at the General-Sessions of the Peace held for the said Counties and City respectively, to set such reasonable Prices on all Liquors retailed in Publick-Houses, and Provender for Horses in Publick-Stables from time to time as they shall see fit: Which Prices shall be proclaimed by the Cryer at the Conclusion of their respective Sessions, and fixed upon the Court-Houses Doors, for publick View.

Who are appointed by this Act to set Prices on Liquors, &c. the Method how and when.

AND if any publick Ale-house-keeper, Tavern-keeper, Innholder or publick Stable-keeper, exceed the Prices so set by the Justices, and be convicted thereof, by Oath or Affirmation of one or more Witnesses, before one or more Justices of the Peace of the respective Counties of this Province or City of *Philadelphia*, every such Offender shall, for the first Offence, be fined in any Sum not exceeding *Twenty Shillings*, and for the second Offence *Forty Shillings*, and

Penalties on offending against their Orders.

give Security for their good Behaviour; and for the third Offence, upon Conviction in the Quarter-Sessions of the respective Counties or City of *Philadelphia*, *Five Pounds*, and not be recommended to keep a Publick-House or Tavern for the Space of three Years after such Conviction.



An A C T pass'd in the Fifth Year of His Majesty's Reign, in *April, One Thousand Seven Hundred and Nineteen*, viz.

C H A P. CCXXIX.

An A C T laying an Excise or Duty on all Wine, Rum, Brandy, and other Spirits, retailed in this Province. Expired.

ANNO REGNI
 GEORGI
 REGIS
 SEPTIMO.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Seventh Year of the Reign of our Sovereign Lord GEORGE, King of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Twenty, and continued by Adjournments until the Twenty-fifth Day of *February* following: On which Day the following ACTS were passed by WILLIAM KEITH, Esq; Lieutenant Governor under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief of the said Province of *Pennsylvania*, &c. *That is to say,*

CHAP. CCXXX.

An ACT for continuing several Acts therein mentioned, laying a Duty on Wine, Rum, Brandy, Spirits, Cyder, Hops and Flax, Negroes and Vessels, until the Fourteenth Day of May, in the Year 1722. Expired.

CHAP.

C H A P. CCXXXI.

*An ACT for Erecting and Maintaining of
Pownds. Repealed.*

C H A P. CCXXXII.

*An ACT for Regulating Party-Walls, Buildings
and Partition-Fences in the City of Philadelphia.*

WHEREAS divers Inconveniencies, Irregularities and Controversies have lately been, and still frequently happen, in Relation to Party-Walls and laying the Foundation of Buildings in the City of *Philadelphia*: For the Remedying whereof for the Future, **BE IT ENACTED** by WILLIAM KEITH, Esq; by the Royal Approbation Deputy-Lieutenant and Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That no Person or Persons, Builder or Builders whatsoever shall, from and after the Twenty-fifth Day of *March*, One Thousand Seven Hundred and Twenty-one, lay the Foundation of any Building or Party-Wall within the said City, before they have applied themselves to the Surveyors or Regulators, to be appointed by the Mayor and Commonalty of the said City in their Common-Council; who are hereby impowered to appoint two or more discreet and skilful Persons for that Purpose.

No Foundation of any Building to be laid by any Person before applying to the Regulators; who are to be appointed by the Mayor, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Surveyors or Regulators, upon Application to them made, shall have full Power and Authority to enter upon the Land of any Person or Persons in order to set out the Foundations, and regulate the Walls to be built between Party and Party, as to the Breadth or Thickness thereof: Which Foundation shall be laid equally upon the Lands of the Persons between whom such Party-Wall is to be made; and the first Builder shall be reimbursed one Moiety of the Charge of such Party-Wall, or for so much thereof as the next Builder shall have occasion to make use of before such next Builder shall anyways use or break into the said Wall. The Charge or Value thereof to be set by the said Regulators.

AND

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if any Person or Persons shall, of their own Authority, presume to begin or lay the Foundation of any Party-Wall before the same be viewed and directed by the said Regulators, or some two of them, every such Person, as well Imployer as Master-Builder, shall forfeit the Sum of *Five Pounds*; one Half to the Prosecutor or Informer, and the other Half to the publick Use and Benefit of the said City; to be recovered by Bill, Plaint or Information in the Court of Common-Pleas, to be held for the City and County of *Philadelphia*, wherein no Protection or Wager of Law shall be allowed, nor any more than one Imparlance.

Penalty on laying a Foundation without being viewed, &c.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if either Party between whom such Foundation or Party-Wall is to be made, shall find themselves anyways aggrieved, by Order or Direction of the said Regulators, he or they may appeal to the Mayor and Commonalty of the said City at their next Common-Council, who shall finally adjust and settle the same; which shall conclude and bind all Parties; the Costs whereof to be paid as the Mayor and Commonalty shall direct and appoint.

Persons finding themselves aggrieved, &c. may apply to the Mayor, &c.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That the said Regulators or Surveyors, attending the said Service, for their Pains and Trouble in and about the Premises, shall be paid by the Party or Parties concerned in such Foundation or Erecting such Party-Wall, the Sum of *Three Shillings* each.

The Regulators Rew^d

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That the Surveyors or Regulators, or any two of them, shall have full Power to regulate Partition-Fences within the said City; and where the adjoining Parties do improve or inclose their Lots, such Fences shall be made in the Manner generally used, and kept in good Repair, at the equal Cost of the Parties, so that the Price for Making exceed not *Forty Shillings* for every Hundred Feet; unless the Owners or Possessors between whom such Fence is or shall be erected do agree otherwise.

Who have Power to regulate Partition Fences, &c.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if either Party between whom such Partition-Fence is or shall be made, shall neglect

Action at
Law may be
had against
the Party re-
fusing to re-
pair, &c.

or refuse to pay his Part or Moiety for the Repairing or Setting up of such Partition-Fence as aforesaid, that then the Party at whose Cost the same was so repaired or set up, may have either his Action at Law, or have the same determined as in Cases of Debts under *Forty Shillings*, as the Case may require.

C H A P. CCXXXIII.

An ACT for the Trial and Punishment of Larceny under Five Shillings.

Preamble.

WHEREAS small or Petty-Larcenies are frequently committed within this Province, by Persons unable to maintain themselves in Prison till Prosecution can be made, or to pay the Costs of such Prosecution, or to make such Restitution and Forfeiture, upon Conviction, as by Law is now required; by Means whereof a publick Charge is created, with many other great Inconveniencies: For the better preventing whereof, **BE IT THEREFORE ENACTED** by WILLIAM KEITH, Esq; by the King's Royal Approbation Deputy-Lieutenant and Governor under WILLIAM PENN, Esq; Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That if any Person or Persons, from and after the Publication hereof, shall be convicted, either by his, her or their own Confession, or the Testimony of other credible Evidence, before any two Magistrates of the City of *Philadelphia*, or before any two Justices of the Peace in their respective Counties within this Province, of having feloniously stolen any Money, Goods or Chattels, the same being under the Value of *Five Shillings*, such Person shall have Judgment to be immediately and publicly whipped upon his or her bare Back not exceeding Fifteen Lashes, or be fined, for the first Offence, at the Discretion of the said Magistrates, in any Sum not exceeding *Twenty Shillings*, and to make Restitution, if able, to the Party wronged; and shall also pay the Charge of the Prosecution and Whipping, or shall be sent to the Work-House, to be kept at hard Labour:
And

Punishment,
&c. on any
Person steal-
ing under the
Value of 5 s.

And for Want of such Work-House, to be committed to Prison for such Charges, for any Time not exceeding twelve Days; any Act of this Government to the Contrary notwithstanding.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Person or Persons charg'd with such Larcenies be free, and shall request to be tried at the General-Sessions or Court of Record, to be held for the said City or Counties respectively, the same shall be granted by the said Magistrates, he or they giving Security for their Appearance to answer, or the Person so appealing shall be committed, as usual in such Cases. But if the Person charg'd with such Larcenies be a Servant, he or she shall not have any Appeal, unless the Master, Mistress or Friend of such Servant shall become Security for his or her Appearance at the next Court, as is usual in such Cases.

If Security be given for Appearance, and they request to be tried at the General-Sessions, it shall be granted.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That one or more of the Magistrates, who shall give Judgment by Virtue of this Act, shall keep fair Records of his or their Proceedings therein.

Fair Records of Proceedings herein to be kept, &c.

A N N O R E G N I
G E O R G I I
R E G I S
O C T A V O.

At a GENERAL ASSEMBLY begun at *Philadelphia*, the Fourteenth Day of *October*, in the Seventh Year of the Reign of our Sovereign Lord GEORGE, King of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Twenty, and continued by Adjournments until the Twenty-fifth Day of *February* following; and from thence, by Adjournments, till the Twenty-sixth Day of *August* One Thousand Seven Hundred and Twenty-one, in the Eighth Year of His said Majesty's Reign: On which Day the following ACTS were passed by WILLIAM KEITH, Bart. Lieutenant Governor under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. *That is to say,*

C H A P. CCXXXIV.

A Supplementary ACT to a Law of this Province, See before Cap: 163.
entituled, An Act that no Publick-House or Inn
 within this Province be kept without Licence.

WHEREAS divers Persons within this Province, Preamble.
 under Colour of retailing Rum and other strong
 Liquors without Doors, for the Conveniency and
 Supply of the Inhabitants in their Families; and for that
 End having obtained Permits from the Collector of the
 Excise, do sell in or about their Houses Drams and strong
 Liquors by small Measures, as well to Servants as others,
 contrary to the true Intent and Meaning of the Laws of this
 Province. AND WHEREAS divers Innholders or
 Tavern-keepers do frequently entertain and suffer Minors and
 Servants to be Tippling in their Houses: All which being
 to the great Damage of the Inhabitants, and manifestly ten-
 ding to the Corrupting of Youth, and Promoting Vice and
 Immorality: For preventing thereof, BE IT ENAC-
 TED by Sir WILLIAM KEITH, Bart. by the King's
 Royal Approbation Deputy-Lieutenant and Governor un-
 der WILLIAM PENN, Esq; Proprietary and Governor
 in chief of the Province of *Pennsylvania*, &c. by and with
 the Advice and Consent of the Freemen of the said Province
 in General Assembly met, and by the Authority of the
 same, That no Recommendation shall be issued by the
 Justices of the respective Counties of this Province, or the
 City of *Philadelphia*, in order to obtain Licence from the
 Governor for the Keeping any Tavern or Publick-House,
 as directed by an Act of this Province, entituled, *An Act*
that no Publick-House or Inn within this Province be kept
without Licence, before the Person or Persons desiring such
 Recommendation shall become bound in the Prothonotary's-
 Office unto the Governor for the Time being, with Securi-
 ty, if required, in any Sum not exceeding *One Hundred*
Pounds, That he or she, on obtaining such Licence, shall,
 at all Times be of good Behaviour, and observe all the
 Laws and Ordinances which are and shall be made relating
 to Innkeepers or Taverners within this Province. No Recommendation to
 be issued, &c. before
 Security given, &c.

AND whosoever shall keep a Tavern, Inn, or publick House of Entertainment before he or she hath given Bond as aforesaid, such Person shall suffer the same Penalty as if the same had been done without Licence.

AND BE IT FURTHER ENACTED

No Persons but those qualified can retail Liquors.

by the Authority aforesaid, That no Person or Persons within this Province, other than such who are or shall be qualified so to do by the above-recited Law, shall presume presume, by Virtue of any Permit from the Collector of the Excise, or under any other Colour or Pretence whatsoever, to sell, barter with, or deliver any Wine, Rum, Brandy or other Spirits, Beer, Cyder, or any mix'd or strong Liquors, which shall be used or drank within their Houses, Yards or Sheds, or which shall be, with their Knowledge, Privity or Consent, used or drank in any Shelter, Places or Woods near or adjacent to them, by Companies of Negroes, Servants or others; or to retail or sell to any Person or Persons whatsoever any Rum, Brandy, or other Spirits, by less Quantity or Measure than one Quart; nor any Wine by any less Quantity or Measure than one Gallon; nor any Beer, Ale or Cyder by any less Quantity than two Gallons: And the same Liquors respectively delivered to one Person, and at one Time, without any Collusion or Fraud contrary to the true Intent and Meaning of this Act, under the same Penalty mentioned in the said recited Act for keeping Publick-House, or selling Liquors without Licence.

AND BE IT FURTHER ENACTED

Tavern-keepers not to trust above the Value of 20 s.

by the Authority aforesaid, That no Person or Persons keeping a Publick-House or Inn, shall trust or give Credit to any Person whatsoever for Liquors, or any other Inn- or Tavern-Reckonings in any Sum exceeding *Twenty Shillings*, under the Penalty of Forfeiting and Losing any such Debt.

Minors not to be trusted.

AND if any Innholder or Keeper of a Publick-House, or any Retailers of Liquors within this Province shall receive, harbour, entertain or trust any Minor, under the Age of Twenty-one Years, or any Servant, knowing them to be such, or after having been cautioned or warned to the contrary by the Parent, Guardian, Master or Mistress of such Minor or Servant, in the Presence of one or more credible Witnesses or Witnesses, such Innholder, Keeper of Publick-House or Retailer of Liquors so offending shall, for the first or second Offence, being duly convicted thereof, forfeit and pay the Sum of *Twenty Shillings* for every such Offence, over

over and above the Loss and Forfeiture of any Debt, such Minor or Servant shall or may contract for Liquors or Entertainment: And, upon Conviction, for the third Offence, the Licence obtained by such Offender is hereby declared null and void, and the Person so repeatedly offending shall forfeit and pay the Sum of *Five Pounds*, and be forever after incapable of keeping a Publick-House or Inn within this Province.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That no Person whatsoever, within this Province, shall presume by any Means to furnish, supply or sell to any Negro or Indian Servants any Rum, Brandy, Spirits, or any other strong Liquors whatsoever, mix'd or unmix'd, either within or without Doors, or shall receive, harbour or entertain any Negroe or Indian Servant in or about their Houses, without special Licence had and obtained, under the Hand of the Master or Mistress of such Negroe or Indian Servant respectively, under Penalty of Forfeiting and Paying, for the first Offence, *Twenty Shillings*, and for the Second, and every Offence after, *Thirty Shillings*; to be recovered before any one Justice of the Peace of the County where the Offence is committed, upon Proof of one or more credible Witness or Witnesses, or upon the View of any Magistrate within the respective Counties of this Province where the Fact shall be committed.

Forfeitures
on harbouring
or furnishing
slaves with
Liquors.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if any Person or Persons keeping a Publick-House or Inn, or retailing Liquors as aforesaid in this Province shall trust or credit any Person for Liquors retailed, or other Expences, above *Twenty Shillings* as aforesaid, or shall presume to sue any such Person, or shall arrest or attach any Servant for any Debt contracted for Liquors or Accomodations, knowing such Person to be a Servant, and after they have been warned or cautioned not to entertain such Servant as aforesaid, all such Actions and Suits shall abate, and the Person sued, and the Master or Mistress, in Behalf of such Servant, or the said Servants themselves, being sued as aforesaid, shall and may plead this Act in Bar; and the Plaintiff in such Suit shall become Nonfuit and pay double Charges.

Any Person
suing for a
Tavern Debt
above 20 s.
to be non-
sued, and
pay double
Costs.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That the several Fines imposed by this Act shall be levied by Execution on the Offender's

Fines how to
be levied and
disposed of.

Goods,

Goods, or his or her Person be committed to the County-Goal, until the same be paid, upon Conviction of the Party before the Mayor or Recorder of the City of *Philadelphia*, for Offences against this Act committed in the City of *Philadelphia*; and before any one or more of the Magistrates of the County, for Offences committed in the respective Counties: And that all Fines and Forfeitures recovered by Virtue of this Act, which are not otherwise appropriated by any former Act, shall be applied in Manner following, *That is to say*, The one Moiety shall be paid to the Father, Mother, Guardian, Master or Mistress of the Minor or Servant entertain'd as aforesaid, or to the said Servant, as the Magistrate shall direct; and the other Moiety shall be paid to the Overseers of the Poor of the City and County where the Offence is committed, for the Use of the Poor of the said City and County.

C H A P. CCXXXV.

See Geo. II. Chap. 514. *An ACT for preventing Accidents that may happen by Fire.*

BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That if any Master, or other Person whatsoever, shall bream any Ship, Sloop or other Vessel with blazing Fire, or cause the same to be done in any of the Docks, or at any of the Wharffs within the Limits of the City of *Philadelphia*, except in such Place or Places as shall from time to time be appointed for that Service by the Mayor and Commonalty of the said City: And if any Master, or other Person whatsoever, shall heat, or cause to be heated, with blazing Fire, any Pitch, Tar, Turpentine, Rosin, Oyl, Tallow, or any other sulphurous Matter, for the Use of any Ship or Vessel, other than such as shall be on the Stocks, except in such Places as shall be from time to time appointed as aforesaid; every such Master, or other Person whatsoever, doing or causing the same to be done, being convict thereof by one or more credible Witnesses, before the Mayor and Recorder, or any two Magistrates of the said City, shall forfeit and pay the Sum of *Five Pounds* for every such Offence, together with Costs of Prosecution; one

Forfeiture of
Five Poundron
Breaming any
Vessel in *Phi-*
ladelphia, ex-
cept in a
Place as shall
be appointed,
&c.

one Half whereof for the Use of the Person or Persons who shall sue or prosecute for the same, and the other Half to be paid to the City-Treasurer for the Use of the said City.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Master or other Person whatsoever, shall suffer any Fire to be kept (Candle excepted) after the Hour of Eight in the Evening, on board any Ship or other Vessel lying in any of the Docks, or at any of the Wharfs aforesaid, or in the Road before the said City, being convict thereof as aforesaid, shall, for every such Offence, forfeit and pay the Sum of *Ten Shillings*, for the Uses aforesaid.

No Fire to be kept on board any Vessel after 8 at Night.

PROVIDED ALWAYS, That it shall and may be lawful for the Mayor of the City of *Philadelphia* for the Time being, by Licence under his Hand, to permit the Master of any Vessel, lying in the Road of *Philadelphia* aforesaid, to use Fire on board such Ship or Vessel after the Hour of Eight aforesaid, in Case of Sicknesh, or any other extraordinary Occasion ; any thing in this Act to the Contrary notwithstanding.

The Mayor of *Philadelphia* may permit a Fire on board a Vessel at Night.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons within the City of *Philadelphia*, or Towns of *Chester*, *Bristol*, *Germantown*, *Darby* or *Chichester*, shall set on Fire their Chimnies to cleanse them, or shall suffer them, or any of them to take Fire and blaze out at the Top, and be duly convicted thereof, by one credible Witness, before any one Justice of the Peace of the said City or Counties, such Person or Persons shall forfeit and pay, for every such Offence, *Twenty Shillings*, for the Use of the said City or Towns respectively where such Offence shall happen. And the first Paragraph of an Act of Assembly of this Province, imposing a Fine of *Forty Shillings* upon every Person that shall fire or suffer their Chimnies to be fired, shall and is hereby declared to be repealed and made void.

Forfeiture on firing of Chimnies

AND WHEREAS much Mischief may happen by Shooting of Guns, throwing, casting and firing of Squibs, Serpents, Rockets, and other Fire-Works within the City of *Philadelphia*, if not speedily prevented: BE IT THEREFORE ENACTED by the Authority aforesaid, That if any Person or Persons, of what Sex, Age, Degree or Quality soever, from and after Publication

D d d

hereof,

Fire Works
not to be sold
or fired in
Philadelphia,
without the
Governor's
Permission.

hereof, shall fire any Gun, or other Fire-Arms, or shall make, or cause to be made, or sell, or utter, or offer to expose to Sale any Squibs, Rockets, or other Fire-Works, or shall cast, throw, or fire any Squibs, Rockets, or other Fire-works, within the City of *Philadelphia*, without the Governor's special Licence for the same, of which Licence due Notice shall first be given to the Mayor of the said City, such Person or Persons so offending, and being thereof convicted before any one Justice of the Peace of the said City, either by Confession of the Party so offending, or by the View of any of the said Justices, or by the Oath or Affirmation of one or more Witnesses, shall, for every such Offence, forfeit and pay the Sum of *Five Shillings*; one Half to the Use of the Poor of the said City, and the other Half to the Use of him or them who shall prosecute and cause such Offender to be as aforesaid convicted: Which Forfeitures shall be levied by Distress and Sale of the Offenders Goods as aforesaid; and for Want of such Distress, if the Offender refuse to pay the said Forfeiture, he shall be committed to the Prison for every such Offence, the Space of two Days, without Bail or Mainprize.

Conviction to
be made in 10
Days. Pun-
ishment on a
Slave offend-
ing herein.

PROVIDED, That such Conviction be made within ten Days after such Offence committed. AND if such Offender be a Negroe or Indian Slave, she shall, instead of Imprisonment, be publicly whipp'd at the Discretion of the Magistrate.

C H A P. CCXXXVI.

See a Supple-
ment to this
Act 4 Geo. II.
Chap. 316.

An ACT to prevent the Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not qualified.

The Time
which is fix'd
for killing
Deer.

BE IT ENACTED by WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Free-men of the said Province in General Assembly met, and by the Authority of the same, That if any Person or Persons, after the Publication hereof, shall kill or destroy any Buck, Doe, Fawn, or any other Sort of Deer whatsoever, at any other Time or Season except only betwixt the First Day of *July*, and first Day of *January*, he shall forfeit and pay for every such Buck, Doe, Fawn, or other Deer so
one

kill'd or destroy'd as aforesaid, the Sum of *Twenty Shillings*; one Half thereof to the Poor of the Township where the Offence is committed, and the other Half to him who shall inform or sue for the same, before any Justice of the Peace of this Province, who is hereby impowered and authorized to hear and determine the same, and to convict the Offender, by the Oath or Affirmation of one or more Witnesses.

PROVIDED, That such Conviction be made within two Months after such Offence committed.

Conviction to be made in 2 Months.

AND for the better Convicting of Offenders against this Act, BE IT FARTHER ENACTED by the Authority aforesaid, That every Person in whose Custody shall be found, or who shall expose to Sale any green Deer Skins, fresh Venison, or Deer's Flesh, at any other Time of the Year than what is before excepted, and shall be convicted thereof as aforesaid; shall be deemed guilty of the said Offence: And that the same green Deer Skins, fresh Venison or Deer's Flesh so found as aforesaid shall be held to be good Evidence in the Cases aforesaid.

Selling green Deer-Skins or Venison, &c. deemed guilty of this Offence.

PROVIDED ALWAYS, That nothing contained in this Act shall be deemed or construed to extend to any free native Indians carrying Guns, Hunting, Killing, and having in their Custody any Skins or Deer's Flesh for their own Use; any thing in this Act to the Contrary notwithstanding.

Free native Indians excepted.

AND WHEREAS divers Abuses, Damages and Inconveniencies have arose by Persons carrying Guns and presuming to hunt on other People's Lands: For Remedy whereof for the Future, BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall presume, at any time after the Sixteenth Day of *November*, in this present Year *One Thousand Seven Hundred and Twenty-one*, to carry any Gun or hunt on any improved or inclosed Lands of any Plantation, other than his own, unless he have Licence or Permission from the Owner of such Lands or Plantation, and shall be thereof convicted, either upon View of any Justice of the Peace within this Province, or by the Oath or Affirmation of any one or more Witnesses, before any Justice of the Peace, he shall, for every such Offence forfeit the Sum of *Ten Shillings*. And if any Person whatsoever, who is not Owner of Fifty Acres of Land, and otherwise qualified in the same Manner as Persons are or ought to be by the Laws of this Province for Electing of

None to hunt in inclosed Lands, &c. on Penalty, &c.

None to hunt in open Woods except those qualified, on Penalty, &c.

Members

Members to serve in Assembly, shall, at any Time after the said Sixteenth Day of *November*, carry any Gun, or hunt in the Woods or uninclosed Lands, without Licence or Permission obtained from the Owner or Owners of such Lands, and shall be thereof convicted in Manner aforesaid, such Offender shall forfeit and pay the Sum of *Five Shillings* for every such Offence.

Penalty on
Killing any
Pidgeon in
Philadelphia.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Person whatsoever shall presume to shoot at or kill with a Fire-Arm, any Pidgeon, Dove, Partridge, or other Fowl in the open Streets of the City of *Philadelphia*, or in the Gardens, Orchards and Inclosures adjoining upon and belonging to any of the Dwelling-Houses within the Limits of the said City, upon the Forfeiture of *Five Shillings* for every such Offence, to be convicted in Manner aforesaid.

How the For-
feitures are to
be levied.

ALL which Penalties and Forfeitures shall go, one Moiety to the Informer, and the other to the Poor of the Township where such Offence is committed: But if convicted upon View of a Justice of the Peace, the whole Forfeiture shall be to the Use of the Poor. And if the Offender refuse to pay, the same shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the Justice before whom such Offender shall be convicted, returning the Overplus, if any be, the Charge of Distraining being first deducted: And for Want of such Distress he shall be committed to Prison, where the Forfeiture is *Twenty Shillings*, for the Space of ten Days; and, where the Forfeiture is *Ten Shillings*, for the Space of five Days; and, if the Forfeiture be *Five Shillings*, for the Space of two Days, without Bail or Mainprize.

C H A P. CCXXXVI.

An A C T for the well Tanning and Currying of Leather, and Regulating of Cordwainers, and other Artificers using and occupying Leather within this Province.

WHEREAS very great Abuses have been committed by Tanners, Curriers, and other Persons Using and Working of Leather within this Government; and the Prices of Leather become very exorbitant and burthenfome to the People of this Province: To the Intent therefore that a reasonable and indifferent Course, for the true and well Tanning, Currying and Working of Leather, may be from henceforth established and appointed, and yet the Persons using the several Crafts and Mysteries aforesaid may not be more strictly bound and limited than the necessary Regard of the Welfare and general Commodity of all his Majesty's Subjects within the said Province requireth; **BE IT ENACTED** by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That from and after the Twenty-fifth Day of *November* next, in this present Year of our *LORD One Thousand Seven Hundred and Twenty-one*, if any Person or Persons using or which shall use the Mystery or Faculty of Tanning, or any Person or Persons importing, or who shall import any Leather into this Province, shall at any Time or Times hereafter offer or put to Sale any kind of Leather which shall be insufficiently and not thoroughly tann'd, so that the same, by the Triers of Leather, lawfully appointed by Virtue of this present Act, for the Time being, shall be found insufficiently and not thoroughly tann'd, that then all and every such Person and Persons so offending, shall forfeit such Leather as shall be found insufficiently and not thoroughly tann'd, unless the Party importing the same will give Security to the Triers to be appointed by Virtue of this Act, to export the said Leather (so imported and being insufficiently tann'd) without Working, or Manufacturing, or causing the same to be wrought or manufactured in this Province.

Leather imported into this Province insufficiently tann'd, unless security be given to export the same unwrought, shall be forfeited.

AND BE IT FURTHER ENACTED

Persons using
the Trade of
Tanning shall
not occupy
the Trades of
Shoemaker or
Currier.

by the Authority aforesaid, That no Person or Persons using the Mystery of Tanning of Leather, by him or themselves, or any other Person or Persons, from and after the Twenty-fifth Day of *November* next, in the Year of our LORD aforesaid, shall, during the Time that he or they shall use the said Mystery of Tanning, occupy or use the Mystery of a Shoemaker or Currier, or any other Artificer Using or Exercising the Cutting or Working of Leather, upon Pain to lose and forfeit all and every such Hide and Hides, Skin and Skins so by them, or any of them wrought or curried during the Time that he or they shall use the Mystery or Craft of Tanning, or the just Value thereof.

AND BE IT FURTHER ENACTED

None but
Tanners shall
buy or con-
tract for Skins,
except, &c.

by the Authority aforesaid, That no Person or Persons whatsoever, after the Twenty-fifth Day of *November* aforesaid, shall buy or make any Contract for any unwrought Hides or Calf-Skins in the Hair, but only such Person or Persons as use the Trade or Mystery of a Tanner, or shall tan or taw the same, except such Persons as shall purchase them to be tann'd for their own private Use; or shall purchase salt or raw Hides for any Persons private Use, or the necessary Use of Ships or Vessels going to Sea.

AND BE IT FURTHER ENACTED

No Leather
or raw Hides
to be shipp'd
or exported
from this Pro-
vince, except
to, &c. on Pe-
nalty of treble
the Value,
&c.

by the Authority aforesaid, That it shall not be lawful for any Person or Persons to lade, ship or carry in any Ship or Vessel, Entering and Lading in any Port of this Province, any Leather or raw Hides, with Intent to transport or carry the same into any Place or Places out of this Province, except such as may be carried to the Province of *New-Jersey*, and Counties of *New-Castle*, *Kent* and *Suffex* upon *Dela-ware*, to be wrought up there, and except Leather imported into this Province; upon Pain of Forfeiture of the said Leather or raw Hides so laden and transported, and treble the Value thereof to be forfeited by the Owner or Owners thereof: And if no Owner can be found, then the Person in whose Custody or Possession the same shall be found to incur the like Penalty of the treble Value as aforesaid. And the Owner or Owners of the said Ships or Vessels knowing of such Offence and not discovering the same, shall forfeit three Times the Value of the Leather and Hides so shipped or exported. And the Master or Mariners knowing of such Offence, and not discovering the same, shall forfeit the treble Value as aforesaid, or be im-

The Owner
not being
found, the
Possessor is
deem'd such,
and shall pay.

Forfeiture on
concealing
such Leather
or Hides.

imprisoned for any Time at the Discretion of the Justices of the Court of Quarter-Sessions, not exceeding six Months, without Bail or Mainprize.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That from and after the Twenty-fifth Day of *November*, in the present Year of our LORD, *One Thousand Seven Hundred and Twenty-one*, no Tanner or Tanners, Person or Persons whatsoever within this Province, shall sell for, or take or receive of any Person or Persons whomsoever within this Province, above the Rate of *Nine-Pence*, current Money of *America*, for a Pound of well-tann'd Leather, and so proportionably for a greater Quantity, on Penalty of Forfeiting the said Leather, and *One Shilling* for every Pound so sold above the Rate aforesaid.

No Tanner to receive more than 9 d. lb. for well-tann'd Leather, on Penalty, &c.

AND that no Person or Persons within this Province shall, by any Means, occupy or put in any made Wares any curry'd Leather, before the same shall be searched and allow'd by the Sealer or Searchers, according to the Direction of this Act, to be well and sufficiently curried; and that every Shoemaker, and other Artificer and Cutter of Leather, shall forfeit for every Hide or Skin so used or occupied without Sealing and Searching as aforesaid, the Sum of *Ten Shillings*, and the Value of such Hide or Skin so used and occupied.

No Leather to be used or work'd up before it has been search'd and allow'd of, &c.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That no Person occupying or using the Mystery of a Shoemaker, shall make or cause to be made any Boots, Shoes or Slippers for Sale, but of Leather well and truly tann'd and curried, and well and sufficiently sewed with good Thread well twisted and made, and well waxed; nor shall mingle the Over-Leather, *That is to say*, Part of the Over-Leather being of Neats-Leather and Part of Calves-Leather; nor shall put into any Boots, Shoes or Slippers for Sale any Leather made of Sheep-Skin, Bull-Hide or Horse-Hide; or into the upper Leather of any Shoes or Slippers, or into the Inner-Part of any Boots (the Inner-Part of the Shoe excepted) any Part of any Hide from which the Sole-Leather is cut, called *The Womb's Neck, Shank, Flank, Powle or Cheek*, upon Pain of Forfeiture of all such Shoes, Boots and Slippers, to be divided and applied in Manner directed by this Act.

Boots, &c. to be made of Leather well-tann'd.

AND

Rates to be
taken for
Shoes.

AND that no Shoemaker, or other Person, shall take or receive above the Rate of *Six Shillings* and *Six Pence* for a Pair of good well-made Men's Shoes, and *Five Shillings* for a Pair of good, plain, well-made Women's Shoes; and so proportionably for all smaller Shoes for any Person above four Years of Age, according to their several Sizes, to be set and rated by the Mayor and Aldermen of the City of *Philadelphia*, in their Quarterly-Court of Record, and by the Justices of the respective Counties within this Province, in their respective General Quarter-Sessions of the Peace, on Pain of Forfeiting all such Shoes as shall be sold above the Rates in this Act directed and limited, and above the several Rates that shall from time to time be set and rated by the aforesaid Mayor and Aldermen, and the said Justices in their respective Courts of Quarter-Sessions in Manner before-mentioned.

Justices, upon
Penalty of
Forty Pounds,
shall once in
two Years, or
oftner, choose
Sealers and
Searchers of
Leather.

The Office
and Duty of
the Sealers
and Searchers
of Leather.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Mayor and Aldermen of the City of *Philadelphia* for the Time being, and the Justices of the several Courts of Quarter-Sessions of the Peace for the Counties of *Philadelphia*, *Chester* and *Bucks*, upon the Penalty of *Forty Pounds*, to be recovered and employed as other Forfeitures in this Act mentioned, shall at their next respective Courts of Quarter-Sessions, to be held after Publication of this Act, and afterwards once in every two Years, or oftner if need be, nominate and appoint one or more honest and skilful Person or Persons of their respective Cities and Counties, who shall be Sealers, and keep a Seal, to be prepared by the Directions of the said Justices, for the Sealing of Leather: Which Sealers and Searchers shall also be sworn or affirmed before the Mayor and Aldermen aforesaid, and before the Justices of the said General Quarter-Sessions of the Peace in their respective Cities and Counties, to do their Office of Sealers and Searchers of Leather truly: Which said Sealers and Searchers shall view and search all Leather, and finding it sufficiently and thoroughly tann'd and dried, shall seal the same with the said Seal; for which the said Sealer and Searcher shall receive of the Owner or Owners of such Leather, for every Dicker of Hides so searched and seal'd *One Shilling*, and for every single Half-Dicker *Eight Pence*, and for any less Number than Half a Dicker *Two Pence per Hide*; and *Four Pence* for every Dozen of Calf-Skins by him so sealed. And that no Sealer and Searcher shall continue above two Years in his Office aforesaid at one Time. And that the said

said Searchers and Sealers shall, and by this Act are empowered, to enter into any Tan-Yard, Shop, or other House or Place whatsoever, and search for Leather tanned or occupied, and for Shoes, Boots, Slippers, Saddles, and all other Wares made for Sale, contrary to the Directions and true Intent and Meaning of this Act; and in Case of Opposition or Refusal, to break open Doors and other Obstacles, and the same Leather or Wares to seize; and after Seizure to bring the same to the Mayor of the City of *Philadelphia*, and to any of the Justices of the Counties aforesaid respectively, who shall forthwith appoint three honest and skilful Persons to be Triers, who shall openly, in some Market-Place or publick Place, try whether the same Leather, Boots, Shoes or other Wares so seized, be sufficient and according to the true Intent and Meaning of this Act: Which said Trial shall be made upon the Oath or Affirmation of the Triers; and if the same be found insufficient, then the said Leather, Shoes, Boots, Slippers, and other Wares, shall be forfeited and appraised, and disposed of as the said Mayor and Aldermen of the City of *Philadelphia*, and Justices at their next respective Court of Quarter-Sessions in their several Counties shall direct. And that no Person or Persons shall buy any forfeited Wares to sell again, on Pain of Forfeiting three Times the Value thereof. And every Person or Persons resisting the Searcher or Searchers in any Part of their Duty enjoined them by this Act, shall forfeit the Sum of *Twenty Pounds*, to be recovered and applied in the Manner and to the Uses in this Act directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That any Person or Persons, or Officer sued for any thing done by Virtue or in Pursuance of this Act may plead the general Issue, and give this Act and other special Matter in Evidence: And if the Prosecutor shall be cast or become Nonsuit, he shall pay treble Damages to such Person or Officer, to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Currier shall refuse or neglect well and sufficiently to curry Leather within six Days in Summer, and twelve Days in Winter, after he shall or may take it in Hand; nor curry any Hide or Skin not seal'd by the Officer appointed by this Act, on Pain to forfeit, for every Hide or Piece of Leather not curried

Leather, when seal'd, to be sufficiently curried, in six Days in Summer, and twelve in Winter.

Sealers and
Searchers Al-
lowance for
traveling.

accordingly, *Fifteen Shillings*. And that the said Searchers and Sealers who shall travel from the Place of his or their Habitation to search or seal any Leather, shall be allowed and paid by the Tanner or Owner of such Leather *Three Pence* for each Mile. And that the said Sealers and Searchers, to be appointed by Virtue of this Act, shall, upon Request made unto them, forthwith search and seal all such Leather as shall be sufficiently tann'd which shall be brought unto them respectively, or shall be within the City of *Philadelphia*; and shall, within one Day after Request made unto them, go to any Tan-Yard, or other Place, to search and seal Leather sufficiently tann'd, on Pain to forfeit *Forty Shillings*, for each wilful Neglect: Which Penalty, with all others mentioned in this Act, not otherwise appropriated, shall be, one Moiety to the Governor for the Support of Government, and the other Moiety to the Person or Persons that will inform or sue for the same. And that the Recovery of all Forfeitures and Penalties under *Forty Shillings* shall be heard and determined by the Mayor or any one or more of the Aldermen of the City of *Philadelphia*, and by one or more of the Justices of the respective Counties out of Sessions. And that all Forfeitures and Penalties above the Value of *Forty Shillings* shall be recovered in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Effoin, Protection, or Wager of Law, nor any more than one Imparllance shall be allowed.

Forfeitures
how to be re-
covered.

No Prohibi-
tion on Boots,
Shoes, &c.
being export-
ed.

PROVIDED NEVERTHELESS, That this Act, or any thing therein contained, shall not extend to the Prohibiting the Exportation of Boots, Shoes, Slippers, Saddles, and other Wares, manufactured and made of Leather within this Province.

Tann'd Lea-
ther may be
exported
when it is not
above *Eight*
Pence per lb.

PROVIDED ALSO, That it shall and may be lawful for any Person or Persons to export tann'd Leather out of this Province when the Price does not exceed *Eight Pence per Pound*, a Permit being first had and obtained, for which there shall be paid *One Shilling*, and no more, by the Exporter or Owner of such Leather, from the Mayor and two of the Aldermen of the City of *Philadelphia*, for the said City, and from three or more Justices of the Peace for the respective Counties of *Philadelphia*, *Chester* and *Bucks*, certifying the common Price of well-tann'd Leather not to be nor have been above *Eight Pence*, for at least one Month before the Date of such Permit; which Permit shall be granted for no longer Time than the Space of one Month, and

and if the same be granted for any longer Time, or in other Manner than in this Act is directed and limited, the same shall be void, and the Parties concerned in the Exportation of such Leather, shall be liable to all the Penalties of this Act as if no such Licence or Permit had ever been granted.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Butcher, or other Person shall gash, slash or cut any Hide of any Ox, Bull, Steer, Cow, or Calf-Skin, in Fleaing thereof, or otherwise, so as the same shall be impaired or hurt, and shall expose or offer the same to Sale, such Offender shall forfeit *Two Shillings* for every such Hide of Ox, Bull, Steer or Cow, and *Six-Pence* for every such Calf-Skin.

Forfeiture on exposing to Sale any Hides or Calf-Skins which are gash'd or impair'd.

AND if any Person shall offer or expose to Sale any putrified Hide or Skin, such Person shall forfeit for every such Hide so offered to Sale *Three Shillings*, and for every such Skin *Nine-Pence*; one Half of which Forfeitures shall be paid to the Tanner or Person purchasing such Hide, and the other Half to the Overseers of the Poor of the City or County where such Hide shall be cut, slash'd, gash'd and expos'd to Sale.

Forfeiture on offering putrified Hides or Skins to Sale.

A N N O R E G N I
G E O R G I I
R E G I S
O C T A V O.

At a GENERAL ASSEMBLY begun at *Philadelphia*, the Fourteenth Day of *October*, in the Eighth Year of the Reign of our Sovereign Lord GEORGE, King of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Twenty-one, and continued by Adjournments until the Twenty-second Day of *May* One Thousand Seven Hundred and Twenty-two; the following ACTS were passed by WILLIAM KEITH, Bart. Lieutenant Governour under WILLIAM PENN, Esq; absolute Proprietary and Governor in chief of the Province of *Pennsylvania*, &c. *That is to say*,

C H A P. CCXXXVII.

An ACT for imposing a Duty on Persons convicted of heinous Crimes, and imported into this Province as Servants, or otherwise. Repealed by an Act pass'd 3 Geo. II. Chap. 305.

C H A P. CCXXXVIII.

An ACT for laying a Duty on all Wine, Rum, Brandy and Spirits, Melasses, Cyder, Hops and Flax, imported, landed or brought into this Province. Expired.

C H A P. CCXXXIX.

An ACT for laying a Duty on Negroes imported into this Province. Expired.

C H A P. CCXL.

An ACT for laying an Excise or Duty on all Wine, Rum, and other Spirits, retailed in this Province. Expired.

C H A P. CCXLI.

An ACT to prevent the Exportation of Flour not merchantable. Supplied.

C H A P. CCXLII.

An ACT for Encouraging the Making of good Beer, and for the Consumption of Grain in this Province. See postea Chap. 259. 9 Geo I.

W H E R E A S it is found by Experience, that the Using of Melasses and other Materials hereafter-mentioned, in Brewing Ale and Beer, doth very much hinder the Consumption of Malt; and so the Raising of Barley is hereby discouraged: Therefore may it please the Governor that it may be enacted, **AND BE IT ENACTED** by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That if any common Brewer or Retailer of Beer or Ale, shall, after the first Day of *June* next, make Use of any Melasses, coarse Sugar or Composition or Extract of Sugar, Honey, foreign Grains, *Guinea* Pepper, or any Liquor or Syrup, boild up to the Consistency of Melasses, or any unwholesome

Bready or
Brewed using
Melasses, &c.
in Beer, or
taking it into
their Brew-
Houses.

Materials or Ingredients whatsoever, in the Brewing, Making or Working of any Beer or Ale: Or if any Brewer shall receive or take into his Brew-House any Melasses, coarse Sugar, Honey or Composition or Extracts of Sugar; every such Brewer and Retailer shall forfeit and lose for every such Offence respectively the Sum of *Twenty Pounds*: And every Servant of such Brewer, and every other Person who shall be Aiding and Assisting in the Using any Melasses, Sugar, Honey, or any other of the said Materials or Ingredients, in the Brewing or Working of such Ale or Beer, or in Carrying or Conveying the same into the Brew-House belonging to such Brewer, shall also forfeit and lose, for every such Offence, the Sum of *Twenty Pounds*; and in Default of Payment thereof shall suffer three Months Imprisonment.

Also on their Servants, or others who aid or assist therein.

AND BE IT FURTHER ENACTED

None to keep Ale-houses, &c. except those that the Justices, in Sessions, approve of.

by the Authority aforesaid, That no Person or Persons whatsoever, after the said first Day of *June* next, shall be admitted or suffered to keep any common Ale-House, Inn or Tipling-House, but such as the Justices of the Peace of the respective Counties of this Province and City of *Philadelphia* for the Time being, or the major Part of them, in the open Sessions of the Peace in the same Counties and City respectively, shall, in their Discretion judge fit, as well by their Character of honest, civil and sober Behaviour, as the commodious Situation and Conveniency of their Houses for such Purposes.

Persons approved of, to be licensed and give Bond to the Governor.

BUT that none be so admitted or licensed before they be bound, with one or more sufficient Sureties, by Recognizance to the Governor for the time being, in *Twenty Pounds* Penalty, with Condition, as well against Using any unlawful Games, as for the Using and Maintaining of good Order and Rule to be had and kept within the same: And also that they will not directly nor indirectly sell or utter, in or about their Houses or elsewhere, any Wine, Brandy, Rum, or other distilled Liquors, mix'd or unmix'd: And that the principal Party which shall be so bound shall pay to the Clerk of the Court, for all Fees to him relating to the said Licence, *Five Shillings*; and to the Justices *Four Shillings*, for every such Licence or Allowance to keep such Inn or Ale-house, and no more,

Fees for Licences.

AND BE IT FURTHER ENACTED
by the Authority aforesaid, That the said Justices of Peace,
within

within the said several Counties and City respectively, or a Quorum of them, shall have full Power within the Limits of their Authority, to remove, discharge and suppress common Selling of Ale, Beer and Wine in Taverns, Ale-houses, Inns and Tipling-Houses, and to cause all Disorders in such Houses to be punished by the Direction of this Act, and hear and determine the same by all such Ways and Means as by Law is usual in such Cases.

Justices have Power to suppress selling Ale, Beer, &c. and cause Disorders to be punished:

AND where the Keepers of any Inns or Ale-houses brew their own Beer or Ale, a Clause shall be added to the Condition of the Recognizance, That they will not make Use of any Melasses, or other Materials or Ingredients hereby forbidden to be used, in Brewing, Making or Working any of their Beer or Ale.

Innkeepers, who brew, not to put Melasses, &c. in their Beer.

AND that from and after the said first Day of June next, all common Brewers shall, in the open Sessions of the Peace, within the City or County where they respectively follow their Trades, become bound to the Governor for the Time being, with one or more sufficient Sureties, by Recognizance, in *One Hundred Pounds* Penalty, with Condition, That they will well and faithfully observe and obey all that is required of them by this Act: For every of which Recognizances the Party shall pay *Two Shillings and Six-Pence*, and no more.

Brewers shall become bound to observe what is required herein.

AND that the said Justices shall cause all the said Recognizances, and also all other Recognizances to be given by the Direction of this Act, to be entred of Record in the respective Courts where the same are so taken as aforesaid, there safely to be kept and remain. And if the Justices or their Clerks fail therein, he or they so offending shall forfeit and pay for every Recognizance taken and not entred of Record, as this Act requires, the Sum of *Five Pounds*; any other Act or Law of this Province to the Contrary hereof in anywise notwithstanding.

Recognizances to be entred of Record, on Penalty, &c.

PROVIDED ALWAYS, That nothing herein contained shall debar or hinder the Justices of the said City and Counties to recommend such as live in fit Places, and as they shall deem fit Persons to keep Taverns for selling Wines, Brandy, Rum, and other Spirits, by retail; but that all such Persons so recommended may be licensed to keep such Taverns as heretofore hath been used, upon their paying the Fees formerly allowed for such Recommendations

Justices may recommend fit Persons to be licensed to keep Taverns; such Persons becoming bound, &c.

and

and Licences, and becoming bound with one or more sufficient Sureties, by Recognizance to the Governor for the Time being, in *One Hundred Pounds*, with Condition, as well against Using of unlawful Games, as for the Using and Maintaining of good Order and Rule to be had and kept within the same.

AND BE IT FURTHER ENACTED

The Officer appointed to put this Act in Execution, and recover the Forfeitures. by the Authority aforesaid, That *Charles Read*, of *Philadelphia*, Merchant, shall be and is hereby appointed the Officer to put this Act in Execution, and to sue for and recover the Penalties or Forfeitures arising for not observing of this Act: Which Forfeitures, when recovered, shall be equally divided between the Governor and the said Officer.

Higher Prices may be allowed by the Justices for Beer and Ale, according to the Goodness.

AND as the true Design of this Act is, amongst other Things, to encourage the Raising of Wheat and Barley for the Brewing Trade, so it is expected that all Brewers may take special Care to bring their Beer and Ale to the Goodness and Perfection which the same was formerly brought to; that so the Reputation which then was obtained (and is since lost) may be retrieved, BE IT FURTHER ENACTED by the Authority aforesaid, That the Justices of the Peace of the respective Counties, and the Mayor, Recorder and Aldermen of the City of *Philadelphia*, when they set Prices upon Beer and Ale, pursuant to a Law of this Province, shall allow higher Prices than common to be taken for such Beer and Ale as by the Judgment of Persons skill'd therein shall exceed in Quality and Goodness; any Law or Ordinance to the Contrary notwithstanding.

Statutes of Great Britain against Persons combining to advance the Prices of Grain, to be put in Execution here.

BUT to prevent the ill Designs of Brewers, Retailers, Victualers and Butchers, who combine to advance the Prices of the Grain and Provisions they respectively buy, beyond a due Proportion to the Rates they give, BE IT FURTHER ENACTED by the Authority aforesaid, That all the Laws and Statutes of that Part of *Great Britain* called *England*, shall be put in Execution against all such Combinations and evil Practices; so that such Offenders shall be brought to the like Punishments, and incur the same Penalties as these Laws and Statutes direct and appoint for Offenders in like Cases.

C H A P. CCXLIII.

A Supplementary A C T to the Act for the more effectual Raising of County Rates and Levies. Supplied.

C H A P. CCXLIV.

An A C T for establishing Courts of Judicature in this Province.

WHEREAS the late King *CHARLES* the Preamble. Second, by his Royal Charter and Grant to *William Penn, Esq;* of that Tract of Land called *Pennsylvania*, and for Erecting the same into a Province, did, for himself, his Heirs and Successors, grant, free, full and absolute Power to the said *William Penn*, and his Heirs, and to his and their Deputies and Lieutenants, for the good and happy Government of the said Country, by and with the Advice, Assent and Approbation of the Freemen of the said Country, or of the greater Part of them, or of their Delegates or Deputies, in Assembly, when and as often as need should require, to ordain, make and enact any Laws whatsoever, for the publick State, Peace and Safety of the said Country, or unto the private Utility of particular Persons, unto their best Discretion: **AND** LIKEWISE, to do all and every Thing and Things which unto the compleat Establishment of Justice, unto Courts and Tribunals, Forms of Judicature and Manner of Proceedings do belong. And, by Judges, by the said *William Penn*, his Heirs, their Deputies and Lieutenants, appointed to award Process, hold Pleas, and determine in all the said Courts and Tribunals all Actions, Suits and Causes whatsoever, as well criminal as civil, personal, real and mix'd; *Provided*, the said Laws, so made and published, be consonant to Reason, and not repugnant or contrary, but as near as conveniently may be agreeable to the Laws, Statutes and Rights of the Kingdom of *England*; saving and reserving to the said King *Charles*, his Heirs and Successors, the Receiving, Hearing and Determining of the Appeal and Appeals of all or any Person or Persons, touching any Judgment, to be there made or given.

Court of
Quarter-Ses-
sions to be
held, in each
County, four
Times a Year.

AND WHEREAS, by Virtue and in Pursuance of the said Grant, divers Acts and Ordinances have been made from time to time for the Holding of Courts and the Administration of Justice within this Province; which, by the Increase of Inhabitants and Change of Circumstances of the Country, seem necessary to be alter'd and amended, BE IT THEREFORE ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That there shall be a Court stiled, *The General Quarter-Sessions of the Peace and Goal-Delivery*, holden and kept four Times in every Year, in each County of this Province, viz. At *Philadelphia*, for the County of *Philadelphia*, on the first second Day of the Week called *Monday*, in the Months called *March*, *June*, *September* and *December*: At *Bristol*, for the County of *Bucks*, on the eleventh Day following (inclusive) in every of the same Months: And at *Chester*, for the County of *Chester*, on the last third Day of the Week called *Tuesday* in the Months called *May*, *August*, *November* and *February*.

The Govern-
nor to com-
missionate Ju-
stices; who
are to hold
the said Court.

AND that there shall be a competent Number of Justices in every of the said Counties nominated and authorized by the Governor or Lieutenant Governor for the Time being, by Commission, under the broad Seal of this Province: Which said Justices, or any three of them, shall and may hold the said General Sessions of the Peace and Goal-Delivery according to Law, and as fully and effectually as any Justice of the Peace, Justices of the Assize, Justices of Oyer and Terminer, or of Goal-Delivery may or can do.

And may
hold private
Sessions; and
have Power
to take Re-
cognizances
out of Ses-
sions; which
shall be cer-
tified into the
next Quarter-
Sessions.

AND BE IT FURTHER ENACTED, That the said Justices of the Peace, or any three of them, may, pursuant to their said Commissions, hold special and private Sessions when and as often as Occasion shall require; and that the said Justices, and every of them, shall have full Power and Authority, in or out of Sessions, to take all Manner of Recognizances and Obligations, as any Justices of the Peace of *Great Britain* may, can or usually do: All which said Recognizances and Obligations shall be made to the King and his Successors. And all Recognizances for the Peace, Behaviour, or for Appearance, which shall be taken by any of the said Justices out of Sessions, shall be certified into their said General-Sessions of the Peace,

Peace, to be holden next after the Taking thereof: And every Recognizance taken before any of them, for Suspicions of any Manner of Felony, or other Crime not tryable in the said Court of Quarter-Sessions of the Peace and Goal-Delivery, shall be certified before the said Justices of the Supream-Court of Oyer and Terminer, at their next succeeding Court, to be holden next after the Taking thereof, without Concealment, Detaining or Imbezzling of the same. But in case any Person or Persons shall forfeit his or their Recognizances of the Peace, Behaviour or Appearance, for any Cause whatsoever, then the said Recognizance so forfeited, with the Record of the Default or Cause of Forfeiture, shall be sent and certified without Delay, by the Justices of the Peace, into the said Supream Court, as the Case may require, that thence Process may issue against the said Parties, according to Law. All which Forfeitures shall be levied by the proper Officers, and go to the Governor for Support of Government.

Recognizances for Suspicions of Felony to be certified at the Court of Oyer & Terminer.

Forfeited Recognizances, and the Record of the Default, shall be certified into the Supream Court.

AND BE IT FURTHER ENACTED That all Fines and Amerciaments which shall be laid before the Justices of the said Courts of General Quarter-Sessions of the Peace and Goal-Delivery, shall be tax'd, offer'd and set duly and truly, according to the Quality of the Offence, without Partiality or Affection, and shall be yearly estreated by the Clerks of the said Courts respectively into the said Supream Court, to the Intent that Process may be awarded to the Sheriff of every County, as the Case may require, for Levying such of their Fines and Amerciaments as shall be unpaid, to the Uses for which they are or shall be appropriated.

All Fines in the Quarter-Sessions to be set according to the Quality of the Offence, and be yearly estreated in the Supream Court.

PROVIDED ALWAYS, That the said Courts of the General Quarter-Sessions of the Peace may be kept and continued for the Space of three Days in the County of *Philadelphia*, at any of the Times herein before appointed to hold and keep the same Courts and Sessions there; and for the Space of two Days in either of the said Counties of *Bucks* and *Chester* respectively, at any of the said Times herein before appointed to hold and keep the said Courts and Sessions there in Manner aforesaid.

Quarter-Sessions to hold three Days in *Philadelphia* County, and two Days in each of the other Counties.

PROVIDED ALSO, That nothing herein contained shall deprive or abridge the Mayor, Recorder and Aldermen of the City of *Philadelphia*, of any Powers, Privileges, Jurisdictions or Franchises granted them by Charter or the Laws of this Province.

This Act not to lessen the Powers of the Corporation.

AND

Writs may be directed by the Magistrates of one County to the Sheriff, &c. of another County, for taking any Persons outlawed.

Also *Subpœna's* and other Warrants for summoning Evidences.

AND to the End that Persons indicted or out-law'd for Felonies, or other Offences, in one County or Town corporate, who dwell, remove or be received into another County or Town corporate, may be brought to Justice, BE IT FURTHER ENACTED, That the said Justices, or any of them, shall and may direct their Writs or Precepts to all or any the Sheriffs or other Officers of the said Counties or Towns corporate within this Province, where need shall be, to take such Persons indicted or out-law'd. And that it shall and may be lawful to and for the said Justices, and every of them, to issue forth *Subpœna's*, and other Warrants, under their respective Hands and Seal of the County, into any County or Place of this Province, for summoning or bringing any Person or Persons to give Evidence in and upon any Matter or Cause whatsoever, now or hereafter examinable or in any wise tryable by or before them, or any of them, under such Pains and Penalties as *Subpœna's* or Warrants of that Kind usually are or ought by Law to be granted or awarded.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall find him or themselves aggrieved with the Judgment of any of the said Courts of General Quarter-Sessions of the Peace and Goal-Delivery, or any other Courts of Record within this Province, it shall and may be lawful to and for the Party or Parties so aggrieved, to have his or their Writ or Writs of Error; which shall be granted them of course, in Manner as other Writs of Error are to be granted and made returnable to the said Supream Court of this Province.

PROVIDED ALWAYS, That when any Writ of Error shall be granted upon any Judgment given or to be given for the said City of *Philadelphia*, the Mayor, Recorder and Aldermen of the said City of *Philadelphia*, and their Successors, or any of them, shall not be compelled upon any of the said Writs, or any other Writ or Writs directed to them, or any of them, to remove, send or certify into the said Supream Court, or elsewhere, any of the Indictments or Presentments taken or to be taken before them, or the Record of the Judgments and Proceedings upon any such Indictments and Presentments; but only the Tenors or Transcripts of the said Records under their common Seal. And after such Indictments are revers'd or affirm'd, or Causes lawfully removed from the said City-Courts are tried in the Supream Court, it shall and may be lawful for the Mayor, or Recorder and

Only the Tenor or Transcript of Writs pass'd by the Mayor, &c. for the City of *Philadelphia*, to be certify'd by them into the Supream Court.

and Aldermen, and their Successors, to proceed to Execution or otherwise, as shall appertain according to Law.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That there shall be holden and kept at *Philadelphia* a Court of Record twice in every Year, *That is to say*, On the Twenty-fourth Day of *September*, and the Tenth Day of *April*, if the same Days, or either, do not happen to be the first Day of the Week; and in such case the said Court shall be held on the next Day following: Which said Court shall be called and stiled *The Supream Court of Pennsylvania*. And that there shall be three Persons of known Integrity and Ability, commissioned by the Governor or his Lieutenant for the Time being, by several distinct Patents or Commissions under the Great Seal of this Province, to be Judges of the said Court; one of whom shall be distinguished in his Commission by the Name of *Chief Justice*. And every of the said Justices shall have full Power and Authority, by Virtue of this Act, when and as often as there may be Occasion, to issue forth Writs of *Habeas Corpus*, *Certiorari* and *Writs of Error*, and all Remedial and other Writs and Process, returnable to the said Court, and grantable by the said Judges by Virtue of their Office, in Pursuance of the Powers and Authorities hereby given them.

A Court of Record to be held twice a Year at *Philadelphia*, called *The Supream Court of Pennsylvania*.

Justices to be commissioned.

Who shall issue forth Writs of *Habeas Corpus*, &c.

PROVIDED ALWAYS, That upon any Issue joined in the said Supream-Court, such Issue shall be tried in the County from whence the Cause was removed, before the Judges aforesaid, or any two of them, who are hereby impowered and required, if Occasion require, to go the Circuit twice in every Year into the respective Counties of *Chester* and *Bucks*, to try such Issues in Fact as shall be depending in the said Supream-Court, and removed out of either of the Counties aforesaid, *That is to say*, in the County of *Bucks* on the Fourteenth Day of *April*, and the Twenty-eighth Day of *September*; and in the County of *Chester*, on the Eighteenth Day of *April*, and the Second Day of *October*, in every Year: When and where they may try all Issues, join'd and to be join'd, in the same Supream-Court, and to do generally all those Things that shall be necessary for the Trial of any such Issue, as fully as Justices of *Nisi Prius* in *England* may or can do.

Issues joined in the said Court shall be tried in the proper County; and Judges to go the Circuit twice every Year.

AND that the said Judges, or any two of them, shall have full Power to hold the said Court, and therein to hear

Who are to hear all Causes cogniza-

ble in the said Court, and all Causes removed thither.

As also, to correct the Errors of the Justices, &c.

And punish the Defaults of Officers, &c.

and determine all Causes, Matters and Things cognizable in the said Court; and also to hear and determine all and all Manner of Pleas, Plaints and Causes which shall be removed or brought there from the respective General Quarter-Sessions of the Peace and Courts of Common-Pleas, to be held for the respective Counties of *Philadelphia*, *Chester* and *Bucks*, as also for the City of *Philadelphia*, or from any other Court of this Province, by Virtue of any of the said Writs: And to examine and correct all and all Manner of Errors of the Justices and Magistrates of this Province in their Judgments, Process and Proceedings in the said Courts, as well in all Pleas of the Crown, as in all Pleas real, personal and mix'd; and thereupon to reverse or affirm the said Judgments as the Law doth or shall direct: And also to examine, correct and punish the Contempts, Omissions and Neglects, Favours, Corruptions and Defaults of all or any of the Justices of the Peace, Sheriffs, Coroners, Clerks and other Officers within the said respective Counties.

And award Process to levy Fines.

AND ALSO, shall award Process for Levying, as well of such Fines, Forfeitures and Amerciaments as shall be estreated into the said Supream-Court, as of the Fines, Forfeitures and Amerciaments which shall be lost, tax'd and set there, and not paid to the Uses they are or shall be appropriated.

And generally minister Justice, as in the King's Courts in *Britain*.

AND generally shall minister Justice to all Persons, and exercise the Jurisdictions and Powers hereby granted concerning all and singular the Premises according to Law, as fully and amply to all Intents and Purposes whatsoever as the Justices of the Courts of King's Bench, Common-Pleas and Exchequer at *Westminster*, or any of them, may or can do.

Saving to all Persons the Right of Appeal to *Britain*.

SAVING to all and every Person and Persons, his, her or their Heirs, Executors and Administrators, their Right of Appeal from the final Sentence, Judgment or Decree of any Court within this Province, to His Majesty in Council, or to such Court or Courts, Judge or Judges, as by our Sovereign Lord the King, his Heirs or Successors shall be appointed in *Britain*, to receive, hear and judge of Appeals from His Majesty's Plantations.

PROVIDED the Person Appealing shall, upon Entering his Appeal in the Court where the Sentence, Judgment

Judgment or Decree shall be given in this Province, pay all the Costs before that Time expended in the Prosecution, or Defending the said Suit: And shall further enter into Bond, with two good and sufficient Securities, in the Sum of *Three Hundred Pounds*, to the Defendant in the Appeal, conditioned to prosecute the said Appeal with Effect, within the Space of eighteen Months after the Entry of such Appeal, and to satisfy the Judges of the Court from which he appeals: And further, to pay all such Costs and Damages as shall be adjudged to him to pay, in case a Sentence, Judgment or Decree pass against the said Appellant, or in case he, she or they fail to prosecute their Appeal with Effect.

The Appellant shall give Bond in 300 l.

AND that there shall be a fit Person nominated by the Judges, and commissioned by the Governor, to be Prothonotary or Clerk of the said Supream-Court, who shall keep and duly attend his Office at some convenient Place in the City of *Philadelphia*, and may be suspended, punished or moved by the said Court for Misdemeanors in his Office.

Governor commissions the Prothonotary of the Supream-Court.

AND BE IT FURTHER ENACTED, That all the said Writs shall be granted of course, and made in the Name and Stile of the King, his Heirs and Successors, and shall bear Test in the Name of the chief Justice for the time being: But if he be Plaintiff or Defendant, in the the Name of one of the other Justices, and shall be sealed with the judicial Seal of the said Court, and made returnable to the next Court after the Date of such Writ.

How Writs shall be granted and bear Stile.

PROVIDED ALWAYS, That none of the Judges of the said Supream or Provincial-Court shall sit judicially in any of the said Courts of Common-Pleas, Quarter-Sessions, or any other inferior Court in this Province.

No Provincial Judge to sit in the inferior Courts.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Judges of the Supream-Court shall have Power, and are hereby authorized and impowered from time to time to deliver the Goals of all Persons which now are or shall hereafter be committed for Treasons, Murthers, and such other Crimes as (by the Laws of this Province) now are or hereafter shall be made Capital or Felonies of Death as aforesaid: And for that End from time to time to issue forth such necessary Precepts

The said Judges to deliver the Goals of all Treasons, Murthers,

Precepts and Process, and force Obedience thereto as Justices of Assize, Justices of Oyer and Terminer and of Goal-Delivery may or can do in the Realm of Great Britain.

Felonies committed in the Out-Parts of the Province, to be tried in Philadelphia. AND ALSO, That all Manner of Offences already made or declared, or hereafter to be made or declared to be Capital or Felonies of Death by any Law or Act of Assembly of this Province, and done, perpetrated or committed, or hereafter to be done, perpetrated or committed by any Person or Persons within the Bounds and Limits of the same Province, and without the certain and known Bounds and Limits of any of the Counties now or hereafter erected in the said Province, shall be from henceforth enquired of, heard and determined before the said Judges, by good and lawful Men of the City and County of *Philadelphia*, in like Manner and Form to all Intents and Purposes as if the said Offences and Felonies of Death had been done, perpetrated and committed within the said City or County of *Philadelphia*.

Fees to be double in the said Court to what they are in the Quarter-Sessions. PROVIDED ALWAYS, That the Fees due to the Judges and Officers of the said Court for Hearing and Determining any of the said capital Offences for any thing done there, shall be double the Fees usually taken in the General Quarter-Sessions held in any of the said Counties in this Province; any thing herein, or in any other Law, to the Contrary notwithstanding.

County Court to be held four Times a Year. AND BE IT FURTHER ENACTED by the Authority aforesaid, That a competent Number of Persons shall be commissioned by the Governor or his Lieutenant, under the Broad Seal of this Province, who shall hold and keep a Court of Record in every County, which shall be stiled and called *The County Court of Common-Pleas*, and shall be holden four Times in every Year, at the Places where the General Quarter-Sessions shall be respectively kept, viz. at *Philadelphia*, for the County and City of *Philadelphia*, on the Day called the first *Wednesday* after the Day appointed for the Quarter-Sessions to begin on there, in the Months called *March*, *June*, *September* and *December*: At *Bristol*, for the County of *Bucks*, on the eleventh Day following, inclusive: And at *Chester*, for the County of *Chester*, on the Day called the last *Tuesday* in the Months called *May*, *August*, *November* and *February*. Which said Justices, or any three of them (according to the Tenor and

and Direction of their Commissions) shall hold Pleas of Affizes, *Scire Facias*, Replevins, and hear and determine all and all Manner of Pleas, Actions, Suits and Causes, civil, personal, real and mix'd, according to the Laws and Constitutions of this Province.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That every of the said Justices shall and are hereby impowered to grant, under the Seal of the respective Counties, Replevins, Writs of Partition, Writs of View, and all other Writs and Process, upon the said Pleas and Actions cognizable in the said respective Courts, as Occasion may require.

Justices of the said Court to grant Replevins, &c.

AND BE IT FURTHER ENACTED

That the said Justices of the said respective Courts shall and are hereby impowered to issue forth *Subpœna's* under their respective Hands and Seal of the Counties, into any County or Place of this Province, for summoning or bringing any Person or Persons to give Evidence in or upon the Trial of any Matter or Cause whatsoever depending before them or any of them, under such Pains and Penalties as by the Rules of the common Law and Course and Practice of the King's Court at *Westminster* are usually appointed.

And issue *Subpœna's* for Evidences, &c.

AND BE IT FURTHER ENACTED

That upon any Judgment obtained in any of the said Courts of this Province, and Execution returned by the Sheriff or Coroner of the proper County where such Judgment was obtained, that the Party is not to be found or hath no Lands or Tenements, Goods or Chattels in that County, and thereupon it is testified, that the Party sculks, or lies hid, or hath Lands, Tenements, Goods or Chattels in another County of this Province, it shall and may be lawful to and for the Court that issued out such Execution, to grant, and they are hereby required to grant, an *alias* Execution, with a *Testatum*, directed to the Sheriff or Coroner of the County or Place where such Person lies hid, or where his Lands or Effects are, commanding him to execute the same according to the Tenor of such Writ or Writs, and to make Return thereof to the Court of Common-Pleas where such Recovery is had or Judgment given. And if the Sheriff or Coroner, to whom such Writ or Writs shall be directed, shall refuse or neglect to execute and return the same accordingly, he

Upon Judgment obtained, &c. and the Party not to be found, or hath not Lands, &c. in that County, an *alias* Execution may be granted by the Court, directed to the Sheriff of another County.

Which if the said Sheriff refuse to execute or return he shall be amerced, &c.

shall be amerced in the Court where he ought to return it, and be liable to the Action of the Party grieved: And the said Amerciaments shall be duly and truly set according to the Quality of the Offence, and estreated by the Prothonotaries of the respective Courts of Common-Pleas of this Province into the next Supream or Provincial Court in course, that thence Process may issue out against the Offenders, for Levying of such Fines and Amerciaments as shall be unpaid, to the Uses for which they are or shall be appropriated.

AND BE IT FURTHER ENACTED

The Defendant may have a special Court, in case of sudden Departure.

by the Authority aforesaid, That if any Defendant or Defendants in any Suit or Action, by Reason of his or their sudden Departure out of this Province, shall require a more speedy Determination in such Action or Suit than can be obtained by the common or ordinary Rules of Proceedings in any of the said Courts of Common-Pleas in this Province, the said Justices, upon Application to them made, shall grant to such Defendant or Defendants special Courts, and shall proceed to hear and determine the Premises according to the Course and Practice of the said Courts of Common-Pleas, and for the usual Fees therein taken.

But shall give Bail to the Plaintiff's Action.

PROVIDED ALWAYS, That before the said Justices shall grant such special Court, or proceed to hear and determine the Premises, the Defendant shall give Bail to the Plaintiff's Action by Recognizance according to the Course and Practice of the said Court of Common-Pleas.

Writs of Enquiry shall be made as easy of Charge as possible.

AND to prevent excessive Charges that have of late arisen upon Executing of Writs of Enquiry of Damages, BE IT ENACTED, That the Justices who give any Interlocutory Judgment, shall, at the Motion of the Plaintiff or his Attorney in the Action where such Judgment is given, make an Order, in the Nature of a Writ of Enquiry, to charge the Jury attending at the same or next Court after such Judgment is given, to enquire of the Damages and Costs sustained by the Plaintiff in such Action: Which Enquiry shall be made and Evidence given in open Court; and after the Inquest consider thereof, they shall forthwith return their Inquisition under their Hands and Seals; whereupon the Court may proceed to Judgment as upon Inquisitions of that Kind returned by the Sheriff.

AND

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That there may be a competent Number of Persons of an honest Disposition, and learned in the Law admitted by the Justices of the said respective Courts, to practise as Attornies there; who shall behave themselves justly and faithfully in their Practice: And if they misbehave themselves therein, they shall suffer such Penalties and Suspensions as Attornies at Law in *Great Britain* are liable to in such Cases; by which Attornies Actions may be entred, and Writs, Process, Declarations and other Proceedings and Records in all such Actions and Suits as they shall respectively be concerned to prosecute or defend from time to time, may be drawn, and with their Names and proper Hands signed: Which said Attornies so admitted may practice in all the Courts of this Province without any further or other Licence or Admittance: And that the Attorney for the Plaintiff in every Action shall file his Warrant of Attorney in the Prothonotary's-Office the same Court he declares: And the Attorney for the Defendant shall file his Warrant of Attorney the same Court he appears: And if they neglect so to do, they shall have no Fee allowed them in the Bill of Costs, nor be suffered to speak in the Cause until they file their Warrants respectively.

A competent Number of Attornies may be admitted;

Who Misbehaving, shall suffer the Penalties, &c. as Attornies in *Britain*, &c.

Attornies to file their Warrants of Attorney.

C H A P. CCXLV.

An ACT to prohibit the Selling of Rum, and other strong Liquors, to the Indians, and to prevent the Abuses that may happen thereby.

WHEREAS the peaceable, wise and prudent Measures which the late Honourable *William Penn*, Esq; our most worthy Proprietor, took with the native Indians, at his first Coming into and Settling of this Province, has been, under GOD, the happy Foundation and Ground-Work of the Tranquility and perfect good Understanding hitherto preserved between the *English* Inhabitants of this Colony and their native Indians. AND WHEREAS the Misunderstandings and fatal Breaches, which have lately happened in some of the neighbouring Colonies, between the *English* and the adjacent Indian Nations, are well known to have proceeded from the

Preamble.

the Irregularities and Abuses committed by those who travel into the Woods in order to trade promiscuously with the Indians as they return from Hunting; whereby they have Opportunity, first, to debauch the Natives with great Quantities of Rum and strong Spirits, and then cheat them of their Peltry: For the Prevention of which evil and wicked Practices for the Future, **BE IT ENACTED** by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Content of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That no Person whatsoever, otherwise than is herein after declared, shall sell, barter or give to any Indian or Indians, or to any other Person for their Use, nor by any Means directly or indirectly furnish, or cause to be furnished, any Indian or Indians with any Rum, Wine, or other strong Liquors, mix'd or unmix'd, under the Penalty of *Twenty Pounds* for each Offence, one Half to the Governor, for Support of Government, and the other Half to the Informer, or such Person or Persons as will sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed to the Defendant.

No Rum, &c.
to be sold to
Indians under
the Penalty
of 20 l.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case any Rum, or other Spirits, above the Quantity of one Gallon, be carried amongst the Indians at their Towns, or beyond the Christian Inhabitants, the Person carrying the same, or he in whole Possession the same shall be found, shall forfeit and pay the Sum of *Twenty Pounds*, to the Uses aforesaid, to be recovered in Manner aforesaid.

No Rum, a-
bove the
Quantity of
one Gallon,
to be carried
beyond the
Inhabitants.

At Treaties,
Rum may be
given to the
Indians.

PROVIDED ALWAYS, That the Governor and Council, or Persons by them authorised and appointed to hold Treaties with any Nation of Indians, may, at such Treaties, give any reasonable Quantity of Rum as by them shall be thought necessary; any thing herein contained to the Contrary notwithstanding.

None shall
trade with the
Indians but at
their own
Dwellings,
without Li-
cence.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Person or Persons whatsoever, after the first Day of *August* next, under the the Penalty of *Twenty Pounds*, to be recovered in Manner and for the Uses aforesaid, shall trade or traffick with any Indian for any Commodity whatsoever, but at their own Dwelling-

Dwelling-Houses and Places of Residence with their Families, within some settled Township of this Province, without being first recommended to the Governor for his Licence, by the Justices of the County-Courts of Quarter-Sessions where he resides, or the next Quarter-Sessions within this Province to the Place of such Residence: And that no Person shall be so licensed without first giving Bond in the said Quarter-Sessions, with one or more substantial Freeholders of the same County to be bound with them in the Sum of *One Hundred Pounds*, conditioned, that he will duly observe the Laws of this Province for regulating the Trade with the Indians: Which Recommendations and Licences shall be renew'd annually, in the Manner before directed; and shall further, by his Oath or Affirmation, oblige himself, that he will not directly nor indirectly sell or dispose of any Rum, or other Spirits, mix'd or unmix'd, to any Indian whatsoever. For which Licence he shall pay the Sum of *Thirty Shillings*, and no more.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person, convicted for any Offence committed against this Act, have not Goods and Chattels sufficient to pay the Fine or Forfeiture, in which he shall be condemned, the Justices or Judges before whom such Conviction is had, shall, at the Request of the Informer or Prosecutor, grant to him a Certificate of the Time and Place of such Conviction, and of such Person being the Informer or Prosecutor; which Certificate shall be directed to the Provincial-Treasurer, upon Sight whereof the said Treasurer shall and is hereby required to pay to such Person, his Executors, Administrators or Assigns, the Sum of *Five Pounds*. And the Person convicted, for Want of Estate to pay the Fine and Cost of his Prosecution, shall be committed to the publick Goal of the County, or House of Correction, there to continue at hard Labour for the Space of six Months, without Bail or Mainprize.

The Person convicted not having Goods to satisfy the Fine, the Sum of *5l* shall be paid the Informer out of the publick Treasury.

PROVIDED ALWAYS, That nothing herein contained shall be deemed or taken to prevent any Inhabitant of this Province from giving unto any Indian at his Dwelling-House or Habitation any Quantity of Rum, or other Spirits, not exceeding *One Sixteenth* Part of a Quart at one Time, and that not oftner than once in twelve Hours.

No more than one 16th of a Quart to be given to an Indian in twelve Hours.

Magistrates
may send for
and examine
suspicious Per-
sons, and re-
primand 'em.

And upon a
second Suspi-
cion, may ad-
minister to
them an Oath,
&c.

Penalty on
not appearing
upon Sum-
mons, or re-
fusing to
swear or attest.

No Forfeiture
to be inflicted
'til serving of
the Summons
be sworn or
attested to.

Conviction
upon this Act
may be plea-
ded in Bar, &c.

AND because the good Intent of this Act shall not be frustrated by the secret and clandestine Practices of Persons for the Sake of private Advantage, BE IT FURTHER ENACTED by the Authority aforesaid, That from and after the first Day of *August* next, it shall and may be lawful for the Mayor or Recorder of the City of *Philadelphia*, or any two Justices of the Peace of this Province, as often as they shall think fit, to send for any Person or Persons whatsoever whom they shall suspect to offend against this Act, and severely to reprimand such Person or Persons for having given any Cause by their Conduct or Behaviour with and towards any Indians for such Suspicion: But if the said Mayor or Recorder, or any two Justices of the Peace, shall again suspect the same Parties a second Time for having offended against the Intent or Tenor of this Act, then it shall and may be lawful for the said Mayor and Recorder, or any two Justices of the Peace, to administer to such Person or Persons so suspected, an Oath or Affirmation, that he hath not directly nor indirectly, by himself, nor any other for him, after the said first Day of *August*, given, sold, or otherwise disposed of any Rum, Spirits, Wine, or other strong Liquors; mix'd or unmix'd, to any Indian or Indians, or to any other Person or Persons whatsoever, for them or any of them, contrary to the true Intent and Meaning of this Act: And every such Person or Persons so suspected as aforesaid not appearing upon Summons duly served, or appearing and refusing to take the aforesaid Oath or Affirmation, shall forfeit the Sum of *Thirty-nine Shillings*, or undergo Imprisonment for the Space of three Months: The Forfeiture to be divided and disposed of in Manner aforesaid.

PROVIDED ALWAYS, That no Forfeiture or Imprisonment shall be levied or inflicted upon any Person whatsoever in this Behalf, for not appearing upon Summons duly made, until an Oath or Affirmation be made of the due Service of the said Summons upon the suspected Person or Persons, before the Mayor, Recorder or Justices aforesaid; who are hereby impowered to administer such Oath or Affirmation to the Constable or Officer who hath served the same; any thing before to the Contrary thereof in anywise notwithstanding.

PROVIDED ALSO, That any Person or Persons being convicted for any Matter or Thing done or committed against this Act, such Conviction may be pleaded in

in Bar to any other Suit or Prosecution, to be brought or prosecuted for Breach of any other Law of this Province made and provided against the same Offences.

C H A P. CCXLVI.

An ACT for Encouraging the Raising of Hemp within this Province. Supplied.

C H A P. CCXLVII.

An ACT for Settling a Ferry at Solebury, in Bucks County, over Delaware to New-Jersey. Expired.

C H A P. CCXLVIII.

An ACT to erect and establish a Ferry on the Land of Thomas Yardley, of Makefield Township, in Bucks County. Expired.

C H A P. CCXLIX.

An ACT for Regulating the Gauging of Cask in this Province.

WHEREAS great Abuses are daily committed Preamble.
in the Trade of this Province, by importing
Wine, Rum, and other liquid Merchandizes, in
disproportionable Cask, which have been usually gauged
by the Diagonal; which is known not to be an exact Rule
to find the Contents of a disproportionable Cask; and the
Persons selling such Commodities commonly refusing to
submit to any other Method or Rule of Gauging, the Pur-
chaser is thereby imposed upon, and often suffers great Loss
in Want of just Measure: For the Redress of which Abuse
for the Future within this Province, **BE IT ENAC-**
TED by Sir WILLIAM KEITH, Bart. Governor of the
Province of *Pennsylvania*, &c. by and with the Advice and
Consent of the Freemen of the said Province in General
Assembly met, and by the Authority of the same, That No Persons to
if any Merchant or other Person whatsoever, shall utter, sell Liquors
sell or put to Sale, any Butt, Tun, Pipe, Hogshead, Barrel, before gau-
Rundlet, or other Cask of Rum, Wine, Melasses, or other ged by the
liquid Gaugers, un-
der Penalty,
&c.

liquid Merchandize, imported into any Port or Place within this Province, before the Gaugers hereafter-mentioned or their Deputies, shall have plainly and truly set down or mark'd, upon the Head of such Vessel, the Capacity and full Contents of the same, according to the Standard and Excise of Wine-Measure by the Gallon; such Person or Persons shall forfeit, for the Uses directed in this Act, the Sum of *Ten Pounds*, for every Cask so utter'd, sold or put to Sale.

Forfeiture on
Liquors lack-
ing the Quan-
tity sold for.

AND FURTHER, If any Merchant, or other Person shall utter, sell or put to Sale, any Rum, Wine, Melasses, or other liquid Merchandizes as aforesaid, within any Port or Place of this Province, in any Cask or Vessel, having the Number of Gallons set down and marked on the Head of such Vessel, and the same shall be found to lack of the Contents marked on the said Vessel, such Person shall forfeit and pay, to the Uses directed in this Act, the Sum of *Ten Shillings* for every Gallon marked or numbred on the said Cask more than it will truly contain.

Gaugers
Names, and
how to be
qualified.

AND to the End that all Persons dealing in such Merchandize may the more easily and readily be informed and assisted in discovering the true Quantity of such liquid Merchandize so imported as aforesaid, BE IT FURTHER ENACTED by the Authority aforesaid, That *Nathaniel Griffiths* and *Benjamin Morgan* of *Philadelphia*, shall be and are hereby appointed Gaugers of all the Wine, Rum, Melasses, and other liquid Merchandize, imported into this Province for Sale. Which said Gaugers (before they enter upon their Office, shall take an Oath or Affirmation well and truly to execute the Office of Gaugers within this Province, between Buyer and Seller) are hereby empowered, by themselves or their proper Deputies or Assistants, to gauge all Rum, Wine, Melasses, or other liquid Merchandize, imported in any Butt, Tun, Pipe, Hoghead, Barrel, Rundlet, or other Cask, into any Port or Place of this Province, when they the said Gaugers, or either of them, shall be thereunto required.

Gaugers to
mark the
Cask, with
the Contents,
and enter it
in a Book.

AND that they shall mark and set down the true Number of Gallons, according to the *English* Standard and Excise of Wine-Measure, which each Cask or Vessel will truly contain, with their own Mark: All which Casks, with their true Marks and Numbers, and Owners Names, shall be entered in a Book or Books, to be kept for that Purpose by

by the said Gaugers, or their proper Deputies; to which, recourse may be had as Occasion may require: For a Copy of which Entry they shall receive *Four Pence*; and for each Cask so by them gauged and marked, they shall receive the Sum of *Four Pence*, and no more.

Fee for a Copy, and for Gauging.

AND if any Cask, or other Vessel, gauged and marked by the said Gaugers, or their lawful Deputies, shall be found lacking one or more Gallons of the Quantity numbered or marked on the said Cask or Vessel, the aforesaid Gaugers shall forfeit *Ten Shillings* for each Gallon lacking or exceeding the Number or Mark so set down on each Cask.

Penalty on false Gauging.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every the Penalties and Forfeitures in and by this Act set and appointed, shall be, one Half to the Governor, for the Support of Government, and the other Half to the Informer, or him or them that will sue for the same: If under *Forty Shillings*, to be recovered as Debts under *Forty Shillings* are usually recovered, and if above *Forty Shillings*, to be sued for and recovered by Bill, Complaint or Information, in any Court of Record within this Province, wherein no Effoin, Protection or Wager of Law shall be allowed for the Defendant.

How the Penalties shall be appropriated & recovered.

ANNO REGNI
 GEORGI
 REGIS
 NONO.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Ninth Year of the Reign of our Sovereign Lord GEORGE, King of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Twenty-two, and continued by Adjournments until the Eleventh Day of *May* following: On which Day the following ACTS were passed by Sir WILLIAM KEITH, Bart. Lieutenant Governor of the said Province of *Pennsylvania*, &c. *That is to say,*

C H A P. CCXLV.

Postea Chap.
 256 & Chap.
 261.

An ACT for emitting and making current
 Fifteen Thousand Pounds in *Bills of Credit*.

Preamble.

FORASMUCH as through the extream Scarcity of Money, the Trade of this Province is greatly lessened and obstructed, and the Payment of the publick Debts of this Government rendred exceeding difficult, and likely

likely so to continue, unless some Medium in Commerce be by Law made current instead of Money: For Remedy whereof, may it please the Governor that it be enacted, **AND BE IT ENACTED** by Sir WILLIAM KEITH, Baronet, Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That Bills of Credit to the Value of *Fifteen Thousand Pounds*, current Money of *America*, according to an Act of Parliament, made in the sixth Year of the late Queen *ANNE*, For *ascertaining the Rates of foreign Coins in the Plantations*, shall be printed within two Months next after the End of this present Session of Assembly, as followeth, *to wit*, Six Thousand Bills of *Twenty Shillings* Value each: Four Thousand Bills of *Fifteen Shillings* Value each: Six Thousand Bills of *Ten Shillings* Value each: Six Thousand Bills of *Five Shillings* Value each: Four Thousand Bills of *Two Shillings and Six-Pence* Value each: Six Thousand Bills of *Two Shillings* Value each: Eight Thousand Bills of *One Shilling* Value each. Upon which Bills shall be impreſſed upon the left Side of the said Bills, about the Middle of the Side, the Arms of *Pennsylvania*. And the said Bills shall be in the Form following:

THIS indented Bill of ----- current Money of *America*, according to the Act of Parliament made in the sixth Year of the late Queen *ANNE*, for *Ascertaining the Rates of foreign Coins in the Plantations, due from the Province of Pennsylvania, to the Possessor thereof, shall be in Value equal to Money, and shall be accepted accordingly by the Provincial-Treasurer, County-Treasurers and the Trustees for the General Loan-Office of the Province of Pennsylvania, in all publick Payments, and for any Fond at any Time in any of the said Treasuries and Loan-Office. Dated in Philadelphia, the ----- Day of ----- in the Year of our LORD One Thouſaud Seven Hundred and Twenty-three, by Order of the Governor and General Assembly.*

The Form of the Bills.

WHICH Bills shall be signed and numbred by *Charles Read, Francis Rawle, Benjamin Vining and Anthony Morris*, or the major Part of them. And the Sum of Money that each Bill shall be current for, shall be printed on the Top of each Bill.

Signers Names.

AND

AND BE IT FURTHER ENACTED

Signers to
take an Oath
or Affirma-
tion.

by the Authority aforesaid, That the said Persons appointed for signing the said Bills of Credit, shall take an Oath or Affirmation before any one Justice of the Peace of this Province, for the true Signing and Delivering of all the said Bills of Credit, and no more than the Number mentioned in this Act, to the several Officers and Persons herein after mentioned and appointed to receive the same, according to the true Intent and Meaning of this Act: *Fifteen Thousand Pounds* of which Bills of Credit, being signed and numbred as aforesaid, shall be put into the Hands of

The Trustees
Names.

Samuel Carpenter, Jeremiah Langborne, William Fishbourn and Nathaniel Newlin, of this Province of *Pennsylvania*, Gentlemen; who are hereby constituted Trustees of the General Loan-Office of the Province of *Pennsylvania*; who shall give their Receipt for such Bills as shall be by them received.

Signers Re-
ward.

AND the said *Charles Read, Francis Rawle, Benjamin Vining and Anthony Morris*, appointed by this Act to sign the aforesaid Bills of Credit, shall, for such their Service, have paid unto each of them, or each of their Executors or Assigns, by the Trustees aforesaid, in Bills of Credit, the Sum of *Twenty Pounds*, as a Reward for their Trouble in Signing and Numbring the Bills aforesaid. And the aforesaid Trustees shall have allowed unto each of them the Sum of *Fifty Pounds per Annum*, for their Service and Trouble in the Execution of their Trust. Which Trustees, before they receive the said Bills, or enter upon the Execution of their Trust, shall give *Five Hundred Pounds* Security each, to the Provincial-Treasurer for the Time being, for the true Performance of their said Office, and take the following Oath or Affirmation before any one Justice of the Peace of the Province of *Pennsylvania*:

Trustees Oath
or Affirma-
tion.

I A. B. will, according to the best of my Skill and Knowledge, faithfully, impartially and truly demean myself in Discharge of the Trust committed to me by an Act of General Assembly of this Province, entituled, An Act for the Emitting and Making current Fifteen Thousand Pounds in Bills of Credit; according to the Purport and Tenor of the said Act, so as the Publick may not be prejudiced by my Consent, Privity or Procurement.

AND for the better securing and supporting the Credit of the said Bills, BE IT ENACTED by the Authority aforesaid, That the said Trustees, before they take or accept

accept of any Lands, Houses or Ground-Rents in Mortgage for any of the said Bills, they shall inform themselves of the real Value of the said Lands, Houses and Rents; and also of the Title of the same, so as to be satisfied that the Person offering the same to Mortgage have a good, indefeasible Estate in Fee-simple, in the Lands, Houses and Rents offered to Mortgage, and that the same be free from all Incumbrance whatsoever. And the said Trustees, or any three of them, being satisfied, as well of the Value as of the Title of the said Lands, Houses and Rents, and being qualified, as by this Act is directed, have full Power and Authority, and hereby are authorized and empowered to let out the Value of *Eleven Thousand Pounds* of the said Bills upon Loan, at the Interest of *Five per Cent. per Annum* for the Term of eight Years, from the Date of the said Bills, in Sums not exceeding *One Hundred Pounds*, and not under *Twelve Pounds Ten Shillings* to any one Person; the said Trustees taking a Security by Way of Mortgage in at least double the Value of Lands and Ground-Rents, lying in this Province, and in (at least) three Times the Value of Houses within the Province aforesaid: Which Mortgage, when executed in the Presence of two lawful Witnesses, and acknowledged before any Justice of Peace of this Province, shall be inrolled in a Book (to be kept for that Purpose by the said Trustees) at the Costs and Charges of the Mortgager: An attested Copy of which Deed so inrolled and certified under the Hands of the said Trustees, or any three of them, shall and is hereby declared to be Matter of Record, and shall be good Evidence to prove the Sale or Mortgage thereby made.

Trustees to inform themselves of the Mortgage Estate in Fee-simple.

11000*l.* to be let out at 5 per Cent.

Mortgages to be inroll'd.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That there shall be one publick Office kept in the City of *Philadelphia*, which shall be called, *The General Loan-Office of Pennsylvania*; where the said Trustees, or any three of them, shall duly attend every third and fourth Day, commonly called *Tuesday* and *Wednesday*, in each Week, for the first six Months, and afterwards the Attendance to be according to the Discretion of the said Trustees, for the due Execution of the Trust reposed in them by this Act; and for the Ease of the Inhabitants of the Counties of *Bucks* and *Chester*, who may have Occasion to take upon Loan any of the said Bills of Credit, the aforesaid Trustees, or any three of them, shall attend, as Occasion may require, at the respective Towns of *Bristol* and *Chester*, for executing the Trust aforesaid, and shall

Where the General Loan-Office is to be kept.

give at least fourteen Days publick Notice at the respective Towns aforesaid of the Time and Place of their Meeting for the Purposes aforesaid. And the said Trustees, or some of them, shall, at their own proper Costs and Charges, provide good large Books of Royal or other large Paper, and well cover'd; wherein shall be recorded and inrolled all the Deeds of Mortgages to be taken for Bills of Credit to be let out upon Loan, according to the Directions of this Act, in a fair legible Hand; for which there shall be paid by the Mortgager, his Heirs, Executors or Administrators, to the Person or Persons attending the said Office, in any of the Counties aforesaid, for Recording or Inrolling every Deed or Writing, *Five Shillings*; and for every Mortgage-Deed, if drawn by the Clerk, *Twelve Shillings*, and no more.

Trustees to
choose a
Clerk.

The Manner
of Payment of
Principal and
Interest.

AND for the more Ease and Conveniency of the Trustees appointed by this Act, they are hereby allowed and enabled to choose a fit Person to serve them in the Office of a Clerk, during the Continuance of their Trust. Which said Sums of Money so taken upon Loan shall be paid in again, with the annual Interest, in the said Bills of Credit, or current Money of *America*, to the said Trustees of the General Loan-Office aforesaid, in Manner following, *That is to say*, One eighth Part of the Sum borrowed, with the whole Interest of *Five per Cent. per Annum*, shall be annually paid by the Mortgager, his Heirs, Executors or Administrators, to the said Trustees; who shall indorse the Sum received, both Principal and Interest, upon the Back of the Mortgage-Deed, and for each Indorsement made in Manner aforesaid, they shall be paid, by the Mortgager, the Sum of *One Shilling*, and no more: And at the last Payment of the said Money and Interest, the said Mortgage shall be released and delivered up by the said Trustees: From which Time the said Lands, Houses and Ground-Rents so mortgaged or engaged shall be forever clearly acquitted and discharged. And the said Trustees shall make an Entry in the Margin of the Inrollment of the said Mortgage, of the Day and Year of such Discharge and Release: For which they shall be paid, by the Mortgager, the Sum of *One Shilling*, and no more.

AND WHEREAS the aforesaid Bills of Credit are chiefly intended for the Benefit of the poor industrious Sort of the People of this Province, at an easy Interest to relieve them from the present Difficulties they labour under; which End cannot be so well performed if any one Person should be allowed to take up too great a Sum of the
said

said Bills of Credit upon Loan: Therefore to prevent the Splitting of any one Man's Lands into sundry Parcels by alienating the same to divers Persons in Trust, thereby to get great Quantities of the said Bills for the Use of one Man, and to prevent committing of Frauds and Abuses in Mortgaging any Lands, Houses or Ground-Rents being under any former Mortgage and Incumbrance, which would in a great Measure frustrate the good End for which this Act is intended, **BE IT THEREFORE ENACTED** by the Authority aforesaid, That the Person offering any Lands, Houses or Ground-Rents to Mortgage for any of the said Bills, shall, at the Time of Executing the Deed of Mortgage, declare upon his or her Oath or solemn Affirmation, which the said Trustees, or any one or more of them, are hereby enabled to administer, That he or she is *bona fide* seized of the said Lands, Houses or Ground-Rents in his or her own Right, and to his or her own Use, and that the same were not alienated to him or her in Trust for the Use of any other Person, nor with Intent to raise any Sum or Sums of Money upon the same by Way of Loan, or otherwise, for the Use of any other Person or Persons whatsoever; and that the Lands, Houses and Ground-Rents mentioned in the Mortgage-Deed by him or her to be executed, are free and clear from any other or former Gift, Grant, Sale, Mortgage or other Incumbrance, to his or her Knowledge. Which Oath or Affirmation the said Trustees administering the same shall indorse upon the Back of the Deed of Mortgage, together with the Day and Year of the Caption thereof.

Estates to be free of all Incumbrances to the Mortgager's Knowledge.

PROVIDED ALWAYS, That if any Part of the Sum of *Eleven Thousand Pounds* be remaining in the Office at the End of four Months, next ensuing the Date of the said Bills, and not taken out upon Loan, it shall and may be lawful to and for the aforesaid Trustees to lend out to any Person or Persons, upon the like Security as before is directed in this Act, and under the same Rules and Restrictions, any Sum or Sums of the said Money, so as the whole Sum advanced or lent to one Person exceed not the Sum of *Two Hundred Pounds* in the Whole.

If any Part of the said Sum remain in the Office four Months after the Date of the Bills, 200^l. may be let out on Loan to one Person.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the aforesaid Bills of Credit, to be made and issued by Virtue of this Act, shall be and continue current for and during the Space and Time of eight Years, from the Date of the said Bills, and no longer,

Bills to be current for 8 Years, & pay all Debts whatsoever.

longer, and shall be received and paid for the same Value, and equal to the current Coin passing in this Province, for Goods or any other Thing bought and sold by all Persons whatsoever residing in and passing through this Province, according to their Rates; and the Tender of the said Bills of Payment for Discharging of any Debt or Debts, Bargain, Sale of Lands, or other Things, Bonds, Mortgages, Specialties and Contracts whatsoever, already made, or hereafter to be made, either for Sterling Money, Silver Money of *America*, Dollars, or any other Species of Gold or Silver, or any Quantity of Plate or Gold, shall be as effectual in the Law, to all Intents and Purposes, as if the current Silver Coin of this Province had been offer'd and tender'd for the Discharge of the same, or any Part thereof.

Trustees to receive the said Bills of Credit four Months after the Expiration of 8 Years.

AND to prevent the Damage that may happen to any Person or Persons, who, at the Expiration of the said eight Years, may have any of the said Bills remaining in their Hands, BE IT FURTHER ENACTED by the Authority aforesaid, That the aforesaid Trustees, and the Survivors and Survivor of them, shall be and hereby are obliged to receive the said Bills of Credit four Months after the Expiration of the said eight Years, of any Person tendering the same, and thereupon, shall either pay unto the Owner of the said Bills the Sum or Sums of Money for which they are by this Act made current, or otherwise oblige themselves to pay the same unto the Owner or Owners of the said Bills within three Months after the Bills are delivered to them, with the Interest of *Five per Cent. per Annum*, till the same be paid.

Persons refusing the said Bills shall lose the Debt.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, Creditor or Creditors, Obligee or Obligees, and Party or Parties to any Contract, Covenant, Bargain or Agreement whatsoever, already made or hereafter to be made, at any Time during the said eight Years, shall, upon Tender of all or any of their Debts, Dues and Demands whatsoever, in the Bills of Credit made current by this Act, refuse to accept or receive the said Bills of Credit in Discharge of the said Debts, Dues or Demands, according to their Values and Rates, he, she or they so refusing to accept the said Bills of Credit in Discharge as aforesaid, shall lose the said Debt or Debts, Sum or Sums of Money so refused; and they and every of them, their and every of their Heirs, Executors and Administrators, shall forever be barred from bringing

bringing his or her or their Actions for the Recovery of the said Debt or Debts, Sum or Sums of Money so refused as aforesaid; and the Defendant may plead this Act in Bar to any Action or Actions that shall be so commenced.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if any Person or Persons whatsoever within this Province, shall, during the said eight Years, offer to sell or expose to Sale, any Goods or Chattels, Lands or Tenements whatsoever, and deny or refuse to sell, or ask a greater Value for the same, unless Payment be made in current Silver Money, Gold, Plate, Dollars, or other Specie whatsoever, and not in the said Bills of Credit (whereby the Credit of the said Bills may be impaired) then and in such Case the Person so exposing to Sale, and refusing as aforesaid, shall, if the Goods or Chattels exposed to Sale be under the Value of *Five Pounds*, forfeit the Sum of *Thirty Shillings* for each Offence, to be recovered before any Justice of the Peace within this Province, upon the Oath or Affirmation of any two Witnesses: And if the Value of the Goods or Chattels, Lands or Tenements be above *Five Pounds*, and under *Fifty Pounds*, the Exposer to Sale shall forfeit the Sum of *Five Pounds*: And if the Goods or Chattels, Lands or Tenements be above the Value of *Fifty Pounds*, and under *One Hundred Pounds*, the Exposer to Sale shall forfeit the Sum of *Ten Pounds*: And if the Value of the Goods and Chattels, Lands or Tenements be above *One Hundred Pounds* Value, the Exposer to Sale shall forfeit *Fifty Pounds*; to be recovered by Action of Debt in any Court of Record within this Province, with Costs of Suit; the first two Forfeitures to the Use of any Person that shall sue for the same; the other two Forfeitures, the one Half to the Use of such Persons as shall sue for and prosecute the same with Effect, the other Half to the Governor, to be applied towards the Support of the Government of this Province; any Law, Custom or Usage to the Contrary in anywise notwithstanding.

Penalties on Persons offering Goods cheaper for Silver or Gold than the said Bills.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if any Person or Persons whatsoever shall presume to counterfeit, or be Aiding or Assisting in Counterfeiting any of the said Bills of Credit, or utter or cause to be uttered any Bill or Bills (knowing the same to be false and counterfeit) of the Tenor or in Imitation of any of the said Bills of Credit made current by this Act, and be thereof legally convicted, he, she or they

Penalties on Persons counterfeiting the Bills of Credit.

so offending shall be set upon the Pillory in some open publick Place, and there have both his or her Ears cut off, and be publickly whipp'd on his or her bare Back with Thirty-one Lashes, well laid on; and moreover, shall forfeit the Sum of *One Hundred Pounds* current Money of *America*, to be levied of the Lands and Tenements, Goods and Chattels of such Offenders; and shall pay to the Party grieved double the Value of the Damage sustained by the said counterfeit Bills, together with the Costs and Charges of Prosecution: And in Case the Person or Persons so convicted have not sufficient to satisfy the Party for his or her Damages and Charges, and to pay the Forfeiture aforesaid, then and in such Case the Offender or Offenders shall, by the Order of the Court before whom such Offender was convicted, be sold for any Term not exceeding seven Years for Satisfaction of the same.

Committee of
Assembly to
audit the Ac-
counts of the
Trustees, &c.

AND WHEREAS the true and regular Sinking of the said Bills of Credit will very much conduce to the Keeping up the Value of the same, BE IT FURTHER ENACTED by the Authority aforesaid, That a Committee of the Assembly of this Province, shall, once every Year, or oftner, as the Assembly shall think fit, be appointed to audit the Accounts of the Sums of Money in Bills of Credit, let out upon Loan to the Inhabitants of this Province, according to the Directions of this Act; and also the Sums of Money and Bills of Credit received by the said Trustees from the respective Mortgagers, their Heirs, Executors and Administrators; and shall, within one Week next after the said Accounts are audited, affix Advertisements in the most publick Places of the City of *Philadelphia*, setting forth what Quantity of Money has been received and is in the Hands of the Trustees aforesaid, over and above what will pay the Interest due to the Publick, for the Loan of the said Bills of Credit let out upon Mortgage by Virtue of this Act. Which Money shall, by the said Trustees, be given in Exchange for Bills of Credit, made current by this Act, to any Person or Persons bringing in the same. And the said Bills of Credit received as Part of the principal Sum lent out of the said Office in Manner aforesaid, and remaining in the Hands of the Trustees, shall, within ten Days after such Audit, be sunk and destroyed in the Presence of the Committee who shall be appointed Auditors, they having first compared the said Bills of Credit with their Counterparts, and entered into a Book, to be kept for that Purpose, the Number and Value of each Bill of Credit so sunk and destroyed. AND

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the annual Interest received for the Loan of the said Bills of Credit which shall be remaining in Money in the Hands of the said Trustees, after the Accounts audited as aforesaid, and after Salaries and Charges allowed by this Act are deducted, shall be disposed of in such Manner as the Assembly of this Province shall from time to time think fit to order and direct.

Annual Interest, after Charges deducted, to be disposed of by the Assembly.

AND WHEREAS the Fonds provided for the Support of this Government, have proved deficient for these two Years last past, and sundry Debts, claimed as Debts due from this Province, remain yet unpaid: Therefore, in order to discharge the said Debts, BE IT ENACTED by the Authority aforesaid, That the Sum of *Two Thousand Five Hundred Pounds*, in the Bills of Credit aforesaid, be delivered into the Hands of the Provincial-Treasurer of this Province for the Time being, who shall give his Receipt for the same; and who shall forthwith apply the said Bills, or so much of them as shall be needful, to the Paying and Discharging the several Sums of Money due and owing by any Order of the Assembly of the Province of *Pennsylvania*, within two Years last past, where the Fonds have not been sufficient to pay and answer the same. And that the aforesaid Sum of *Two Thousand Five Hundred Pounds*, in Bills of Credit, hereby directed to be paid into Provincial-Treasury of this Government, may be truly and *bona fide* sunk, as the Fonds arising by Virtue of three Acts of Assembly, viz. *An ACT for laying an Excise on all Wine, Rum, and other Spirits, retailed in this Province: An ACT for laying a Duty on all Wine, Rum, Brandy and Spirits, Melasses, Cyder, Hops and Flax, imported, landed or brought into this Province: And, An ACT for laying a Duty on Negroes imported into this Province;* are paid unto the Provincial-Treasurer for the Time being; BE IT ENACTED by the Authority aforesaid, That a Committee of Assembly of this Province shall, once every Year, and oftner, if the Assembly shall think fit, audit the Accounts of the Money received by the Provincial-Treasurer by Virtue of the Acts aforesaid, *for laying an Excise on strong Liquors, &c. in this Province*, and shall sink and destroy the said Bills in the Manner before directed for Sinking the Bills of Credit received by the Trustees into the Loan-Office of this Province.

The Provincial-Treasurer to have 2500*l.* to answer former Debts.

AND

The Sum of
1500*l.* to be
paid to the
County-Trea-
surers.

AND WHEREAS there are divers publick Works now undertaken to be done in the respective Counties of *Philadelphia*, *Bucks* and *Chester*, which cannot well be compleated for Want of a Stock of Cash in the Hands of the Treasurers of the respective Counties, BE IT THEREFORE ENACTED by the Authority aforesaid, That the Sum of *One Thousand Pounds*, in Bills of Credit, made current by this Act, be delivered by the said Trustees into the Hands of the Treasurer of the County of *Philadelphia*: And the further Sum of *Two Hundred Pounds*, in the Bills aforesaid, into the Hands of the Treasurer of the County of *Bucks*: And the further Sum of *Three Hundred Pounds*, in the said Bills, into the Hands of the Treasurer of the County of *Chester*; to be applied by the respective Treasurers of the several Counties aforesaid in such publick Services as the Commissioners and Assessors of the respective Counties shall think fit to order and direct.

AND that the said Bills of Credit, to be paid to the respective County-Treasurers aforesaid, for the Uses aforesaid, may be truly and *bona fide* sunk, BE IT ENACTED by the Authority aforesaid, That a Tax of *One Penny per Pound*, over and above all other County-Charges, shall be annually raised and levied by the respective Commissioners and Assessors of the said Counties in the same Manner as County-Levies by an Act of Assembly of this Province, entituled, *An Act for the more effectual Raising of County-Rates and Levies*, are directed and appointed to be raised and levied, until all the Bills of Credit received by the respective County-Treasurers for the Uses aforesaid, be sunk and destroyed by the Tax aforesaid. Which said Tax of *One Penny per Pound*, shall be paid into the Hands of the respective County-Treasurers, in Bills of Credit, or current Money of *America*, towards the Sinking the Bills of Credit by them respectively received for the Use of the respective Counties aforesaid. And that a Committee of the Assembly of this Province, shall, once every Year, audit the Accounts of the Money received by the respective County-Treasurers, by Virtue of the said Tax of *One Penny per Pound*, and shall sink and destroy the said Bills of Credit in the Manner before directed for Sinking the Bills of Credit received by the Trustees into the Loan-Office of this Province.

PROVIDED ALWAYS, That it shall and may lawful to and for the Trustees of the Loan-Office aforesaid,
or

or any three of them, to let out upon Loan, in such Manner as they shall think best, any Sum of the said Bills of Credit not exceeding the Sum of *One Hundred Pounds* to one Person, upon Security of good Plate, to be delivered to them at the Value of *Five Shillings* current Money of *America*, per Ounce, and at the Interest of *Five per Cent. per Annum*, to be paid in again to the said Trustees in the Space of Twelve-months, with the Interest aforesaid. And in case of Non-Payment, to sell and dispose of the said Plate for the most it will yield, returning the Overplus, if any be, to the Owner, after Payment of the Principal, Interest, and Charges accrued thereupon; any thing in this Act to the Contrary notwithstanding.

Trustees to let out Bills of Credit on Security of good Plate, at 5 s. per Ounce.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case of the Death or Removal of any of the aforesaid Trustees, the Assembly of this Province for the Time being shall, from time to time, during the Continuance of this Act, appoint some other fit Person or Persons in the Room, Place and Stead of such Trustee or Trustees so dying or being removed: Which Person or Persons, to be so appointed, shall give the like Securities, and lie under the same Obligations with those who are now named and appointed by this Act.

Any Trustee or Trustees dying the Assembly of this Province to choose another.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That where Default shall be made or suffer'd by any Mortgager of any Lands, Rents or Houses (mortgaged by Virtue of this Act) his or her Heirs, Executors, Administrators or Assigns, of or in Payment of any of the annual Payments or Sums, whether in Part of Principal or Interest, which they or any of them should have paid, in such Manner and Form, and according to the Purport, Tenor and Effect of the said Deed or Deeds of Mortgage, and this Act of Assembly, and at the Days, Times and Places, in the same Deeds respectively mentioned and contained, That in every such Case, and upon any Default made in the Premises, it shall and may be lawful to and for the said Mortgagees or Trustees, and the Survivors and Survivor of them, and Heirs, Executors and Administrators of the Survivors of them, and they are hereby required, after the Expiration of Two Months next ensuing any of the Days of Payment herein directed, in the said Mortgage contained, whereon any Part of the said Mortgage-Money and Interest ought to be paid, to sue forth a *Scire facias* out of the Office of the Clerk of the Court of

On Default of Payment, the Mortgagees to be sued by *Scire facias*.

Common-Pleas for the County or City where the mortgaged Lands, Ground-Rents and Houses lie, and be directed to the proper Officer, requiring him, by honest and lawful Men of the Neighbourhood to make known to the Mortgager or Mortgagers, his, her or their Heirs, Executors, Administrators and Assigns, that he, she or they be and appear before the said Justices of the said Court of Common-Pleas, to shew, if any thing he, she or they have to say wherefore the said mortgaged Premises ought not to be sold for the Payment of the said Mortgage-Money, with the Interest due thereupon, together with such Costs and Damages as the Court shall assess by Reason of the Non-Payment of the Money aforesaid at the Time and Place whereon the same ought to have been paid: And if the Defendant or Defendants in the *Scire facias* neglect or refuse to appear, or be not to be found in the County; or if the said Defendant or Defendants appear, and do not pay down the Money and Interest in Bills of Credit, or current Money of *Pennsylvania*, then due upon the said Mortgage, together with the Costs of Suit; then the Court shall award Execution by *Levari facias*, directed to the proper Officer, by Virtue whereof the said mortgaged Premises shall be taken in Execution, and exposed to Sale by publick Vendue, within one Month after the awarding Execution aforesaid, and, upon Sale, conveyed to the Buyer or Buyers thereof, and the Money or Price of the same rendred to the Mortgagee or Trustees. And when the said Lands and Hereditaments shall be so sold or delivered as aforesaid, the Person or Persons to whom they shall be so sold or delivered shall and may hold and enjoy the same, with their Appurtenances, for such Estate or Estates as they were sold or delivered, clearly discharged and freed from all Equity and Benefit of Redemption, and all other Incumbrances made and suffer'd by the Mortgagers, their Heirs or Assigns. And such Sales shall be available in Law, and the respective Vendees, their Heirs and Assigns, shall hold and enjoy the same freed and discharged as aforesaid. But before such Sales shall be made, Notice shall be given in Writing, as is directed by one Act of Assembly of this Province, entitled, *An Act for taking Land in Execution for Payment of Debts*.

Overplus of
the Sale of
Mortgages to
be returned to
the Owners.

PROVIDED ALSO, AND BE IT
FURTHER ENACTED by the Authority aforesaid, That when any of the said Lands, Tenements, Hereditaments or Ground-Rents, which by the Direction and
Authority

Authority of this Act, are to be sold for Payment of Debts and Damages due to the Publick in Manner aforesaid, shall be sold for more than will satisfy the same Debt and Damages, and reasonable Costs; then the Sheriff, or other Officer who shall make the Sale, must render the Overplus to the Debtor or Defendants; and then, and not before, the said Officer shall be discharged thereof upon Record, in the same Court where he shall make Return of his Proceedings concerning the said Sales.

PROVIDED ALSO, That no Sale which shall be made by Virtue of this Act, shall be extended to create any further Estate to the Vendees, than the Lands or Hereditaments so sold or delivered shall appear to be mortgaged for, by the said respective Mortgages or defeazable Deeds.

PROVIDED ALSO, That if any of the said Judgments which do or shall warrant the Awarding of the said Writ of Execution, whereupon any Lands, Tenements or Hereditaments have been or shall be sold, shall at any time hereafter be reversed for any Error or Errors; then, and in every such Case, none of the said Lands, Tenements or Hereditaments so as aforesaid taken or sold, or to be taken or sold upon Execution, nor any Part thereof, shall be restored, nor the Sheriff's Sale thereof avoided.

The Sheriff's Sale to be good, and not to be reversed for any Errors.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if after any Lands, Ground-Rents or Houses are mortgaged to the aforesaid Trustees for any Bills of Credit, according to the Directions of this Act, it shall appear the Party Mortgager had no good Right and Title to the said Lands, Ground-Rents and Houses, or any of them, so that the Government may be in Danger of Losing the Monies, or any Part thereof, advanced in Loan upon the Credit of the said Lands, Ground-Rents and Houses, it shall and may be lawful to and for the said Trustees, and they are hereby required and impowered to prosecute any Action or Actions of Debt or Covenant upon the said Mortgage or Mortgages against the said Mortgager, his Heirs, Executors and Administrators, and the same to prosecute to Judgment and Execution in any Court of Record within this Province, for the Recovery of the Monies due on the said Mortgage, with the Costs of Suit, by all lawful Ways and Means whatsoever.

Mortgagers having no good Right and Title, shall be sued by the Trustees for Value received.

Any Person at any Time paying Interest and Principal the Mortgages to be discharged.

PROVIDED ALWAYS, That if any Person or Persons who shall take upon Loan any of the said Bills of Credit, shall see Cause, at any time after the Making the said Mortgage, to pay down the whole Principal and Interest then due in like Publick Bills of Credit, or current Money of *America*; upon his or her so doing such Mortgage or Security shall be released and delivered in the Manner before directed, and the Lands, Ground-Rents and Houses, in the said Mortgage-Deed contained and mortgaged, shall be forever discharged therefrom.

C H A P. CCLI.

See a former Act, antea Chap. 84.

An ACT to rectify Proceedings upon Attachments.

WHEREAS in the Execution of a Law of this Province, entituled, *An Act about Attachments*, divers Irregularities and fraudulent Practices have happened, to the Injury of such Creditors as were willing to accept of an equal Share of their Debtors Effects, in Proportion to their Demands, and not have them wasted in needless Prosecutions, contrary to the true Design of the said Act: Therefore, to prevent such Practice for the Future, may it please the Governor that it may be enacted, **AND BE IT ENACTED** by Sir WILLIAM KEITH, Baronet, Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That from henceforth no Writ or Writs of Attachment shall issue forth or be granted, before the Person or Persons requesting the same, or some other credible Person or Persons for him or them, shall, upon Oath or Affirmation, declare, That the Defendant in such Attachment is indebted to the Plaintiff therein named in the Sum of *Forty Shillings*, or more; and that the Defendant is and has been absconded from the Place of his usual Abode for the Space of six Days, with Design to defraud his Creditors, as is believed; and that the Defendant has not left a clear Estate in Fee-simple within this Province sufficient to pay his Debts, so far as such Plaintiff or Deponent knows or believes. Which Oath or Affirmation the Officer that grants such Writs is hereby empowered and

Writs of Attachment not to issue out except Oath be made that the Person indebted is not worth the Sum charged, or is absconded.

and required to administer, and to file the same in the Court to which the said Attachment is returnable: And if any Attachments be granted or issued out otherwise or contrary to the true Intent and Meaning hereof, the Officer or Person so granting the same, shall, for every such Offence, forfeit the Sum of *Five Pounds*; the one Half for the Use of him or her that will sue for the same, the other Half to the Governor, for the Support of Government.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Writs of Attachments to be issued out as aforesaid, shall be directed to and served by the Sheriff or Coroner of the proper County; who shall attach all the Lands, Goods, Chattels and Effects whereof the Defendants, in every of the said Writs named, were possessed or reputed Owners at the Time of their Absconding, in whose Hands soever the same can be found: And that all the said Chattels and Effects, attached by Virtue of such Writs, shall forthwith be appraised, inventory'd and secured by the Officer who executes the Writs, in such Hands as he shall answer for.

Writs of Attachment to be served by the Sheriff or Coroner.

Chattels and Effects to be forthwith appraised, &c.

AND if any of the Defendant's Money, or other Effects, happen to be garnished in other Hands, the same shall also be attached, and the Garnishees obliged to appear and answer at the Return of such Writs, and be proceeded against in such Manner as by the above-recited Act is directed.

Defendant's Effects, garnished, shall also be attached.

PROVIDED ALWAYS, That no Second or other Attachment shall, under the Penalty aforesaid, be issued against or served upon the Estate or Effects of the same Defendant, unless the first Attachment be not executed or happens to be dissolved by the Court.

No second Attachment to issue out.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That as soon as the Justices of that Court where the said Writs of Attachment are returnable, accept the Officer's Return thereof, they are hereby impowered and required to nominate and appoint Three honest and discreet Men to audit the Accounts of all the Defendant's Creditors, and to adjust the Demands not only of the Plaintiffs in those Attachments, but of all the Rest of the Defendant's Creditors, and settle their Shares or Proportions of the Defendant's whole Estate, real and personal, and make true Report of their Proceedings therein to the

Justices accepting the Officer's Return of Writs, to nominate Men to audit Accounts and adjust Demands.

Justices of the Court, next after such Appointment, which Justices are hereby impowered and required to allow reasonable Fees to the said Auditors, out of the Goods or Effects attached as aforesaid, as a Reward for their Trouble.

Auditors to
examine Men
upon Interro-
gatories, &c.

AND for the better Discovery of the fraudulent Practices of the said Defendants, it shall be lawful for the Auditors, so as aforesaid to be appointed, or the major Part of them, to examine such Persons as they shall think fit, upon Interrogatories or otherwise, on Oath or Affirmation (which they are hereby impowered to administer) touching the Lands, Tenements, Goods, Chattels or Effects of the said Defendants, and such other Things as may tend to disclose their Estates, or their secret Grants and Alienating of their Effects. And that the said Auditors may, by Warrants under their Hands and Seals, cause to be broke open any Houses, Chambers, Shops, Ware-houses, Doors, Trunks or Chests of the said Defendants, where their Goods or Effects shall be or reputed to be, and seize the same for the Use of their Creditors.

Auditors to
make Sale of
the Defen-
dant's Lands,
&c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful to and for the said Auditors, or a Majority of them, to make Sale and Assurance of all the Lands and Tenements, Goods and Chattels belonging to such Defendants, or otherwise to order the same for Satisfaction of their Creditors, rateably, according to the Quantity of their respective Debts: And that every Direction, Bargain, Sale or Assignment done by the said Auditors concerning the Premises, pursuant to this Act, shall be good and effectual in Law against the said Debtors, their Heirs, Executors and Assigns.

And dispose
of Debts due
to the Defen-
dants.

And that it shall and may be lawful for a Majority of the said Auditors to grant and assign, or otherwise to order or dispose of all or any of the Debts due or to be due to and for the Benefit of the said Defendants, to the Use of their Creditors. And that the same Grant, Assignment or Disposition of the said Debts so to be made, shall vest the Property, Right and Interest thereof in the Person or Persons of him, her or them to whom it shall be so granted, assigned or ordered by the Auditors; so that such Assignees may sue for and recover the said Debts in their own Names, and detain the same to their own Use. And that after such Grant, Assignment or Disposition made of the said Debts, neither the said Defendants nor any other to whom such Debts shall be due, shall have Power to recover the same, nor to make any Release or Discharges thereof.

P R O-

PROVIDED ALWAYS, That the Persons nominated as Auditors shall give publick Notice, thirty Days before the Sale or Disposition of such Goods or Effects as aforesaid, by a publick Advertisement in the *Weekly Mercury*, or affixed on the Doors of the respective Court-Houses of this Province.

Auditors to give 30 Days Notice before Sale of Effects.

AND if the said Defendants have heretofore granted, convey'd or assur'd, or shall at any Time hereafter grant, convey or assure any Lands, Tenements, Hereditaments, Goods, Chattels, or other Estate, unto any Person or Persons, upon Condition or Power of Redemption at a Day to come, by Payment of Money, or otherwise, that it shall and may be lawful to and for the said Auditors, or a Majority of them, before the Time of Performance of such Condition, to assign and appoint, under their Hands and Seals, such Person or Persons as they shall think fit, to make Tender or Payment of Money, or other Performance, according to the Nature of such Condition, as fully as the said Defendants ought to have done. And that the said Auditors shall, after such Tender, Payment or Performance, have Power to sell and dispose of such Lands and other Estates so assured, upon Condition to and for the Benefit of the Creditors as aforesaid.

Any Lands conveyed or assured with Power of Redemption may be sold by them, &c.

PROVIDED ALWAYS, That the Overplus of the said Debtor's Estate (if any be) after all their Debts and lawful Charges are deducted, shall be returned to such Debtors, their Executors or Administrators; any thing herein contained to the Contrary notwithstanding.

Overplus of Effects to be returned.

PROVIDED ALSO, That nothing in this Act contained shall be deemed to repeal or disannul any thing in the Law, entitled, *An Act about Attachments under Forty Shillings*; any thing herein to the Contrary notwithstanding.

This Act not to repeal the Law about Attachments.

PROVIDED ALWAYS, That nothing in this Act contained shall be construed, deemed or taken to exempt the Goods or Effects of any Person or Persons, not Inhabitants of this Province, from being attached according to the Directions of an Act of General Assembly of this Province, made in the Fourth Year of the late Queen Anne, entitled, *An Act about Attachments*; any thing in this, or any other Act contained to the Contrary hereof in anywise notwithstanding.

Any Persons Goods, not Inhabitants, may be attached.

C H A P. CCLII.

An ACT for reducing the Interest of Money from Eight to Six per Cent. per Annum.

6 l. per Cent.
to be lawful
Interest of
Money, &c.

BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That no Person shall, directly nor indirectly, for any Bonds or Contracts to be made after the Publication of this Act, take for the Loan or Use of Money, or any other Commodities, above the Value of *Six Pounds* for the Forbearance of *One Hundred Pounds*, or the Value thereof, for one Year, and so proportionably for a greater or lesser Sum; any Law, Custom or Usage to the Contrary notwithstanding.

Persons taking more
than 6 l. per
Cent. forfeit
the Money,
or Things
lent.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever, do or shall (after the Publication of this Act) receive or take more than *Six Pounds per Cent. per Annum*, on any such Bond or Contract as aforesaid, upon Conviction thereof, the Person or Persons so offending shall forfeit the Money and other Things lent; one Half thereof to the Governor, for the Support of Government; and the other Half to the Person who shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any Court of Record within this Province, wherein no Effoin, Protection or Wager of Law, or any more than one Impar lance shall be allowed.

C H A P. CCLIII.

An ACT for respiting Executions upon certain Judgments of Courts in this Province. Obsolete.

C H A P. CCLIV.

An ACT for vesting the Lands and Lots, commonly called the Lands of the Free-Society of Traders in Pennsylvania, in Trustees, to be sold for the Payment of such Sums of Money as were paid into the Publick Stock of the said Society for purchasing the said Lands and Lots, and carrying on the Trade designed by said Society.

C H A P. CCLV.

*An ACT directing the Procefs of Summons
against Freeholders. Supplied.*

C H A P. CCLVI.

A Supplementary ACT, to the Act, entituled, See before Chap.
250. & here-
after Chap.
261.
*An Act for Emitting and Making current Fif-
teen Thousand Pounds in Bills of Credit.*

WHEREAS, for good Reasons, an Act of General Assembly of this Province was made and published this Session of Assembly, entituled, *An Act for the Emitting and Making current Fifteen Thousand Pounds in Bills of Credit*; and because of the dubious Construction of some Words mentioned in the said Act, it is apprehended, the same will not answer the full Intent for which it was made: Wherefore, for better Explanation thereof, and to supply any Defect that may obstruct the good Ends and Purposes for which the said Act was made, **BE IT THEREFORE ENACTED** by Sir WILLIAM KEITH, Baronet, Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That the Receipts enjoined to be given to the Trustees by the Provincial-Treasurer and the respective County-Treasurers of *Philadelphia*, *Bucks* and *Chester*, for the respective Sums ordered to be paid to them, in Bills of Credit, by the said Act of Assembly, shall be deemed, taken and allowed to be good and sufficient Discharge to the said Trustees, their Heirs, Executors and Administrators, for the Sums in Bills of Credit in said Receipts mentioned to be received. And that after the aforesaid Sum of *Eleven Thousand Pounds*, in the said Bills of Credit, ordered to be let out upon Loan by the said Act, shall be accounted for by the said Trustees, and sunk according to the Directions of the Act of Assembly; the aforesaid Trustees, their Heirs, Executors and Administrators, and every of them, shall from thence forward stand and forever be clearly discharged and acquitted of and from all and all Manner of Securities, and other or further Demands to be had or made for any thing by them done in Discharge and Execution of the Trust reposed in them by the said Act.

Treasurer's
Receipt suf-
ficient for the
Trustees De-
livery of Mo-
ney.

AND WHEREAS the Trustees are enjoined by the said Act to attend the Loan-Office at *Philadelphia*, two Days in every Week, for the first six Months after the Date of the said Bills: Which Attendance may prove burthenfome to the said Trustees, and of no Service to the Publick, if all the said Sum of *Eleven Thousand Pounds* in Bills of Credit should be let out upon Loan in less Time than the Space of Six Months: BE IT THEREFORE ENACTED by the Authority aforesaid, That the Attendance to be given at the said General Loan-Office, after all the said Bills of Credit are let out upon Loan, shall be at the Discretion of the said Trustees; any thing in the aforesaid Act to the Contrary in anywise notwithstanding.

Trustees Attendance to be at their own Discretion.

Coin'd Gold to be current at 2 d. 3 q. per Grain.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That *Spanish Pistoles*, or any Pieces of good coin'd Gold, shall pass in this Province, at the Rate of *Two Pence Three Farthings per Grain*, or *Five Pounds Ten Shillings per Ounce*, in all Payments whatsoever, and shall be accepted accordingly in the General Loan-Office of this Province; and that no Person shall exact any higher or other Rates for the same under any Pretence whatsoever.

C H A P. CCLVII.

An additional ACT to the Act, entituled, An Act for Laying an Excise or Duty on all Wine, Rum, and other Spirits retailed in this Province. Expired.

C H A P. CCLVIII.

An ACT for the Encouragement of Trade. Obsolete.

C H A P. CCLIX.

An ACT for regulating and establishing Fees.

FOR Preventing of Extortion and undue Exactions of Fees by the several Officers and Practitioners of Law in this Province; and to the End that all Fees may be limited and reduced to Certainty, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice

Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Fees of the several Officers and Practitioners of Law in this Province, shall be as herein after is ascertained, limited and appointed, viz.

That the FEES belonging to the Keeper of the Great Seal of this Province, shall be as follows, viz.

For Affixing the Seal to

- T**HE Lieutenant Governor's Commission, to be paid by the Publick, *Fifteen Shillings.*
- The Keeper of the Great Seal's Commission, to be paid by the Party, *Twelve Shillings.*
- Any Body of Laws pat'd in any Session of Assembly, to be paid by the Publick, *Twelve Shillings.*
- Any Copy of such Body of Laws sent Home for the Royal Assent, to be paid by the Publick, *Twelve Shillings.*
- Each private Law for Sale of Lands and Hereditaments, to be paid by the Party, *Six Shillings.*
- An Exemplification of such Laws, to be paid by the Party, *Five Shillings.*
- The Master of the Rolls Commission, to be paid by the Party, *Ten Shillings.*
- Every Provincial Judge's Commission, to be paid by the Publick, *Six Shillings.*
- A Commission of Sheriff of the City and County of Philadelphia, to be paid by the Party, *Eight Shillings.*
- A Commission of Sheriff of Bucks and Chester, each, to be paid by the Party, *Five Shillings.*
- A Proclamation by the Governor and Council, to be paid by the Publick, *Four Shillings and Six Pence.*
- A Commission of the Peace, to be paid by the County, *Four Shillings and Six Pence.*
- The Attorney-General's Commission, to be paid by the Publick, *Four Shillings and Six Pence.*
- The Secretary's Commission, to be paid by the Party, *Four Shillings and Six Pence.*
- The Surveyor-General's Commission, to be paid by the Party, *Four Shillings and Six Pence.*
- A Commission for Clerk of the County of Philadelphia, to be paid by the Party, *Ten Shillings.*
- A Commission for Clerk of Bucks or Chester, to be paid by the Parties, *Five Shillings.*
- The Register-General's Commission, to be paid by the Party, *Ten Shillings.*

The Keeper
of the Great
Seal's Fees.

Each

- For Affixing the Seal to {
- Each Coroner's Commission, to be paid by the Party, *Four Shillings.*
 - A Charter for a City, to be paid by the Parties, *Twenty Shillings.*
 - A Charter for a Burrough or Town, to be paid by the Parties, *Ten Shillings.*
 - The Proprietor's Receiver-General's Commission, to be paid by the Party, *Four Shillings and Six Pence.*
 - Any single Law (other than private Acts) passed in any Session of Assembly, *Four Shillings and Six Pence.*
 - A special Commission, to be paid by the Publick, *Four Shillings and Six Pence.*
 - Each Patent for Land or Lots, to be paid by the Party, *Four Shillings and Six Pence.*

And that the FEES belonging to the Master of the Rolls shall be as follows, viz.

The Master
of the Rolls.

- FOR {
- Recording the Laws of the Province, in a fair, close Hand, including Parchment or Book, for every Line, not less than Twelve Words, one with another, *One Half-Penny.*
 - Exemplification or Copying of all Laws under the Seal, for the Royal Assent, or for the several Counties of this Province, *One Half-Penny per Line*, as above.
 - Recording, Exemplifying or Copying all Patents, Commissions, Proclamations, and other Instruments, for each Line, as it stands recorded as above, *One Half-Penny.*
 - Recording Deeds, Writings, and Things appertaining to the Inrollment-Office, he finding Paper or Parchment, for each Line, as aforesaid, *One Half-Penny.*
 - A Copy or Exemplification of any Record in the said Office, as it stands recorded, for each Line, *One Half-Penny.*
 - Searching any Roll or Record, *One Shilling.*
 - Indorsement of Certificate on each Deed proved or acknowledged, and his Hand and Seal thereto, *One Shilling and Six Pence.*

And that the FEES belonging to the Justices of the Supream-Court shall be as follows, viz.

Justices of the
Supream-
Court.

- FOR {
- Allowing and Signing the Allocator of every *Certiorari*, for removing of Indictments, Orders, &c. *Four Shillings.*
 - Every Cause brought into Court by *Certiorari*, or Writ of Error, *Six Shillings.*

Taking

FOR { Taking Bail to prosecute a *Certiorari*, *Two Shillings*.
Judgment on every Writ of Error, *Noli prosequi*, or
other Matter, to the Bench, *Six Shillings*.
Every Rule of Court, Imparlanee, Continuance, by
Adviseement or otherwise, *Two Shillings*.

And that the FEES belonging to the Governor's Secretary,
or Clerk of the Council, shall be as follows, viz.

FOR { Reading and Entering every Petition to the Governor and Council, for Laying out High-Roads, *Two Shillings*.
Entering their Order thereupon, for Laying out the
Road, and Entering the Return thereof when laid
out, *Four Shillings and Six Pence*.
A Copy thereof, if required, *Three Shillings*.
Reading and Entering every other Petition, and the
Order or Answer thereof, *Two Shillings*.
A *Mediterranean-Pais*, or *Let-Pais*, if required, each,
Three Shillings.
A Register of every Vessel, *Four Shillings*.
Writing of the Provincial-Judges Commission, or for
Trial of Negroes, each, *Five Shillings*.
General Commissions of the Peace, to be paid by the
County, *Five Shillings*.
A single Commission for a Justice or Coroner, to be
paid by the County, *Four Shillings and Six Pence*.
A single Commission for Sheriff or Clerk, to be paid
by the Party, *Six Shillings*.
A Warrant under the lesser Seal to affix the Great Seal
to any Body of Laws or single Law pass'd here, Pro-
vincial Judges Commission, Commission of the Peace,
or any other Commission, Proclamation, or other pub-
lick Instrument, each, *Two Shillings and Six Pence*.
The like for a Pardon, to be paid by the Party, *Four
Shillings*.

Governor's
Secretary.

And that the FEES belonging to the Proprietary's Secretary
shall be as follows, viz.

FOR { Every Warrant of Land, directed to the Surveyor, *Two Shillings*.
Every Patent for Lands, to be in Parchment, *Seven
Shillings and Six Pence*.
Every Recital of Transference, or mentioning more than
one Tract or Parcel of Land, *Nine Pence* each, over
and above the said *Seven Shillings and Six Pence*.

Proprietary's
Secretary.

And that the FEES belonging to the Attorney-General shall be as follows, viz.

Attorney-General.

FOR { Every capital Cause, where Life is concerned, *Twenty-four Shillings*, for the whole Prosecution, to be paid by the Party.
And if not found by the Grand-Inquest, *Twelve Shillings*, to be paid by the County.
Every other Matter by Bill of Indictment, *Six Shillings*.

And that the FEES belonging to the Sheriff of every County of this Province shall be as follows, viz.

Sheriffs.

FOR { Serving every Writ of Arrest, and taking into Custody, *Four Shillings and Six Pence*.
Serving a Summons, *Three Shillings*.
Return of a Summons, Arrest or Attachment, *One Shilling*.
Delivery of a Copy of a Declaration, *One Shilling*.
Every Bail-Bond, *Two Shillings and Six Pence*.
Travelling-Charges for every Mile, *Two Pence*.
Summoning or serving a Witness with a Subpœna, besides Mileage, *Nine Pence*.
Summoning and returning a Jury in every Cause where Issue is joined, *Two Shillings*.
Returning an Execution for Land, *Six Shillings*.
Returning an Execution for Goods and Chattels, *One Shilling and Six Pence*.
Serving an Execution, and selling the Lands or Goods executed or delivered to the Creditor, and returning the *Venditioni exponas* or *Liberari facias*, for any Sum not exceeding *One Hundred Pounds*, *Six Pence per Pound*. If above *One Hundred Pounds*, *Three Pence per Pound*, and no more. And that no Poundage be paid for more than the real Debt or Damage due to the Plaintiff named in the Execution.
The Turn-Key's Fees to be paid upon the Discharge of a Prisoner, *Two Shillings and Six Pence*. But if upon a Debt under *Forty Shillings*, *Nine Pence*.
Executing Writs of Enquiry of Damages, Attesting the Jury and making Return thereof, *Nine Shillings*.
Executing every Writ of Enquiry, and all Writs or Orders of Partition of Lands or Tenements, Attesting the Jury for any Matter or Thing to be done by him about such Partition, and making Return thereof, *Twenty Shillings*. But if the Business of the Partition exceed what the Jury can perform in one Day, then

FOR

then the Sheriff, for every Day more that he shall attend on the Jury about the said Partition, shall have *Six Shillings per Diem*.

Every Judgment in civil Causes, *One Shilling*.

Assigning every Bail-Bond, *One Shilling and Six Pence*.

Every criminal Cause, *Ten Shillings*.

Every capital Cause, *Twenty Shillings*.

Laying Fines, Forfeitures and Amerciaments estreated and paid to the Treasurer, *Six Pence per Pound*, to be allowed by the Treasurer out of the same.

And that the FEES belonging to every Coroner of the Counties of this Province shall be as follows, viz.

FOR

Viewing a Dead Body, *Ten Shillings*.

Coroners.

Summoning the Inquest, entering the Verdict, and returning the Inquisition, *Ten Shillings*.

Summoning or Arresting the Sheriff, or any other Person for him, *Four Shillings and Six Pence*.

Travelling-Charges, each Mile, *Two Pence*.

And that the FEES belonging to the Justices of Peace shall be as follows, viz.

FOR

Writing, Signing and Sealing every Warrant, Mitimus, Recognizance, Certificate, Pass, or other Instrument, *One Shilling and Six Pence*.

Justices of the Peace.

Signing every Attachment, Arrest or Summons, *One Shilling*.

Taxing every Bill of Costs, and Signing every Judgment of Court, *One Shilling*.

Every Judgment of Court, upon Confession, Default, *Noli prosequi*, or otherwise, Bench-Fees, *Four Shillings*.

Signing and Sealing every judicial Writ, *One Shilling*.

Respiting every Recognizance, *Six Pence*.

Writing the Assignment of a Servant, Signing it, and keeping a Record thereof, *Two Shillings*.

Taking a Deposition or Affidavit out of Court, *One Shilling*.

Every Warrant of Summons, Capias or Attachment, and Execution for Demand under *Forty Shillings* each, *Nine Pence*.

For every Judgment for such Debt or Demand, *Nine Pence*.

And

And that the FEES belonging to the Prothonotary or Clerk of the Supream-Court shall be as follows, viz.

Clerk of the
Supream-
Court.

- F O R** {
 Entering every Action or Cause there, *One Shilling.*
 Filing the Errors assigned in every Cause, *One Shilling.*
 Every Retrait, Discontinuance or Quashing of a Writ of Error, *One Shilling.*
 Entering every Appearance, *One Shilling.*
 Filing and Entering any Demurrer, Plea, Replication, and every other subsequent Plea and Issue, *One Shilling and Six Pence.*
 Calling the Jury and Attesting them, *One Shilling and Six Pence.*
 Attesting each Witness in every Cause, *Nine Pence.*
 Recording every Verdict, *One Shilling and Six Pence.*
 Recording every Judgment, *One Shilling.*
 Entering every Continuance, *One Shilling and Six Pence.*
 Entering the Arrest of Judgment, *One Shilling and Six Pence.*
 Entering every Warrant of Attorney, Committatur or Rule of Court, *One Shilling.*
 Reading the Record, which is all the Proceedings below and above, *Two Shillings.*
 Every *Noli prosequi*, *One Shilling.*
 Filing a Declaration, *One Shilling and Six Pence.*
 Reading every Affidavit, *Nine Pence.*
 Acknowledging Satisfaction upon Record, *One Shilling and Six Pence.*
 Every *Subpœna* to give Evidence, *One Shilling & Six Pence.*

And that the FEES belonging to the Clerk of the Court of the General Quarter-Sessions of the Peace and Goal-Delivery in every County and City of this Province shall be as follows, viz.

Clerk of the
Quarter-Sessions.

- F O R** {
 Every Warrant of the Peace or Behaviour, requiring to bring Sureties, if drawn by the Clerk, *Nine Pence.*
 Every common Warrant, *Subpœna* or *Mittimus*, if drawn by the Clerk, *Nine Pence.*
 Every Deposition upon Examination, if written by the Clerk, *Nine Pence.*
 Every Recognizance, if drawn by him, *Nine Pence.*
 Every Indictment of Felony, Trespas, Assault, Battery, Riot, &c. if drawn by the Clerk, *Three Shillings.*
 A Copy thereof, *One Shilling.*

Entering

Entring every Appearance to every Judgment or Information, *Nine Pence.*

Discharge of every Person, upon Bail for the Peace, good Behaviour, Contempt, or the like, with a Warrant of Discharge thereon, *One Shilling.*

Awarding and making out Process against the Defendant upon an Information or Indictment, *One Shilling.*

Discharge of every Indictment upon *Ignoramus*, *Nine Pence.*

Every Plea of Not-guilty, *Nine Pence.*

Entring every special Plea or Demurrer, *One Shilling.*

Entring every Submission, *Nine Pence.*

Calling the Jury and Attesting them, *Nine Pence.*

Attesting each Witness in every Trial, *Four Pence.*

Entring every Verdict, *Nine Pence.*

Entring every Judgment, *Nine Pence.*

A Copy of every Judgment, *Six Pence.*

Every judicial Writ in criminal Cases, *Two Shillings and Six Pence.*

Respiteing a Recognizance, *Nine Pence.*

Every Writ of Restitution, *Two Shillings.*

Drawing and Entring every Order of Sessions, *Nine Pence.*

Copying of every Order of Sessions. *Nine Pence.*

Reading and Entring every Petition, *Nine Pence.*

Entring the Return at large of a Road laid out, *Two Shillings and Six Pence.*

A Copy thereof, for every Sheet, containing Thirty Lines and Twenty Words in a Line, *Two Shillings.*

Making out the Estreats for levying Fines and Forfeitures of each Session, *One Shilling.*

Entring Similiter to join Issue, *Six Pence.*

Relinquishing the Plea, and Entring Submission, *Nine Pence.*

A *Venire facias*, *One Shilling.*

Reading the Indictment and Arraigning the Criminal, *Nine Pence.*

Continuing the Cause after Issue joined, *Nine Pence.*

Reading every Evidence upon Trial, *Four Pence.*

Allowing every Writ of *Certiorari*, Writ of Error or *Procedendo*, *Six Pence.*

Entring a *Noli prosequi*, *Nine Pence.*

Entring the Rule, upon a Motion to arrest Judgment, *Nine Pence.*

Entring the Arrest of Judgment, *Nine Pence.*

A *Habeas Corpus*, *Two Shillings.*

F O R

Drawing up and examining every Record of all the Proceedings upon Indictments or Informations, in Rolls of Parchment, not less than Ten Inches wide, for every Line containing Twelve Words, *Three Farthings* per Line.

A Copy and Signing thereof, if required, *One Half-penny* per Line.

Writing every Recommendation for a Licence to keep a Publick Inn or Ale-house, for selling Provision, and all Sorts of Liquors, and Making the Bond or Recognizance, and Entring the said Licence, Bond or Recognizance, *Five Shillings*.

And that the F E E S belonging to the Prothonotary or Clerk of the Common-Pleas, in every County of this Province, shall be as follows, viz.

Clerk of the
Common-
Pleas.

F O R

Every Arrest, Attachment or Summons, *Three Shillings and Four Pence*.

Every Replevin, *Three Shillings*.

Entring every Action, *Six Pence*.

Filing the Declaration, *Six Pence*.

A Copy of the Declaration, in an Action of Account, Debt, Detinue, Trespass, Assumpsit, Trover and Ejectment, *One Shilling*.

A Copy of a Declaration in an Action of Slander, Covenant or Waste, *Two Shillings*.

Withdrawing or Discontinuing every Action, *Nine Pence*.

Entring every Appearance, *Six Pence*.

Filing and Entring every Demurrer, Plea, Replication, and Pleas subsequent, and Issue in every Action, *Six Pence*.

Entring every General Issue, *Six Pence*.

A Copy of every Plea, Replication, or Pleas subsequent, *Six Pence*.

Calling the Jury and Attesting them, *One Shilling*.

Attesting each Witness, who shall give Evidence on every Trial, *Four Pence*.

Recording every Verdict, *Nine Pence*.

Entring the Judgment, *Nine Pence*.

Every Continuance, *Nine Pence*.

Entring a Committatur, *Nine Pence*.

Entring every Warrant of Attorney, and Filing, *Six Pence*.

Entring Remittitur for Debt or Damages, *Nine Pence*.

Drawing

FOR

- Drawing the Bill of Costs at large, *Nine Pence.*
- Acknowledging Satisfaction of a Judgment upon Record, *Nine Pence.*
- Making out the Estreats for levying Fines and Forfeitures in each Court, *One Shilling.*
- Each Cause contained in the List of Issues, to be set up in the Clerk's-Office, and in Court when sitting, *Three Pence.*

And that the FEES belonging to the Register-General of this Province shall be as follows, viz.

FOR

- Granting and Making Letters of Administration, Register-General.
under the Seal of the Office, Registering the same, and taking Bond, *Twelve Shillings.*
- Making and Granting Probate of a Will, with Copy of a Will under the Seal of the Office, and Registering the same, *Fifteen Shillings.*
- A Copy of Letters of Administration, *Four Shillings.*
- A Citation, *Two Shillings.*
- Filing the Inventory, and Certifying the Time when it was brought into the Office on the Back of the Bond, or if no Bond, giving the Executors such Certificate, *Nine Pence.*
- A Copy thereof, if it exceed not *One Hundred Pounds*, *Three Shillings.* But if it amount to more, *Six Shillings.*
- A Search, *One Shilling and Six Pence.*
- A Quietus, *Four Shillings.*
- Every Caveat, *One Shilling.*
- Filing and Entering a Renunciation, *One Shilling.*
- A Copy of an Administrator's Account, if less than one Sheet, *Four Shillings*: If more, *Three Shillings per Sheet.*
- A Copy or Exemplification of a Will under Seal, which does not go with the Probate, for every Line, not less than Twelve Words, *One Half-penny.*

And that the FEES belonging to the Attornies at Law in this Province shall be as follows, viz.

FOR

- Every Replevin, if drawn by the Attorney, *Three Attornies Shillings.*
- All Actions they shall undertake for Plaintiff or Defendant, with Declaration, *Twelve Shillings.*
- Attending every Writ of Enquiry, *Four Shillings.*

Every

FOR { Every Action brought to Judgment, *Twelve Shillings.*
 Writing every Writ of Enquiry, *Scire facias, Venditioni exponas*, or Execution, *Three Shillings.*
 Drawing the Recognizance for prosecuting a Writ of Error, or *Certiorari*, in the Supream-Court, *Two Shillings and Six Pence.*
 Every Writ of Execution in that Court, *Six Shillings.*
 Drawing every Warrant of Attorney, *Six Pence.*

And that the FEES belonging to the Constables within this Province shall be as follows, viz.

Constables. FOR { S ERVING a Warrant, *One Shilling.*
 Travelling Charges, *Two Pence per Mile.*
 Serving every Attachment, *One Shilling.*
 Serving an Execution for a Debt under *Forty Shillings*, *One Shilling.*
 Selling Goods taken in Execution, *One Shilling.*

And that the FEES belonging to all Juries and Inquests within this Province shall be as follows, viz.

Jurymen. FOR trying all Actions upon Issue joined, *Eight Pence per Man.*
 For every Inquisition on Writs of Enquiry of Damages, Elegit, Partition, or on any Inquest of Office, or other Enquiry, each Man, *Two Shillings per Diem.*

Witnesses. AND that every Witness shall have for every Day he spends in going, coming and attending to give Evidence in any Cause, *Two Shillings per Diem.*

Cryer. AND that the Cryer of every Court shall have for every Action called in Court, *Nine Pence.*

And that the FEES belonging to the Surveyor of Lands within this Province shall be as follows, viz.

Surveyor. FOR every single Hundred Acres or lesser Quantity, survey'd by him, *Seven Shillings and Six Pence.*
 For Surveying any Tract of Land, above One Hundred Acres, for the first Hundred *Seven Shillings and Six Pence*, and for every Hundred Acres above, the Sum of *Three Shillings.*
 For a whole Lot, with Return and Plot, *Six Shillings.*
 Which

Which said Fees respectively shall be paid upon their Delivering up the Draught or Plot, and Return of the Survey, signed with the Surveyor's own Hand, to the Owner or Possessor of the said Lands or Lots, and not before.

For Searching for a Warrant or Return, and Copy thereof, each, *One Shilling and Six Pence.*

For Travelling-Charges, per Mile, *Two Pence.*

For a Search, if not found, *Nine Pence.*

And the Surveyor shall, in fair Books, record the Warrant, and shall duly prove the Draughts, and then record them.

For Recording the Proprietor's Warrant, Making a Return thereof, after the Survey, into his Secretary's Office, Recording the same, and for a Draught, *Five Shillings.*

Which Fees as aforesaid are to be in full of all Manner of Fees that the Surveyor, or his Deputies, by any Means whatsoever, may hereafter pretend to claim or take for any Matter or Thing relating to his said Office.

AND that the Fees belonging to each Chain-Carrier shall be after the Rate of *Three Shillings* per Day, and the Owner of the Land to find a Marker.

AND that the Comptroller shall have, for every Ship or Vessel above One Hundred Tons, *Six Shillings*, and for all Vessels under, *Four Shillings.*

AND if any Attorney-General, Clerk of any of the said Courts, or other Person, draw any Indictment or Information defective, they shall draw new Bills or Informations *gratis*, or forfeit *Five Pounds*, with full Costs, to be recovered as hereafter directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every the respective Officers and Attornies at Law, whose Fees are herein before respectively ascertained, limited and appointed, shall, and are hereby required to make fair Tables of their Fees respectively, according to this Act, and to publish and to set up the same in Manner following, *viz.* The Fees of the respective Courts in the said Courts from time to time, during the Sitting of the said Courts; and the Fees of other Officers, in their respective Offices, within Three Months after the Publication hereof, where it shall be constantly exposed to View and Inspection of all Persons who have Business in the said Offices.

Attornies, &c.
demanding
greater Fees,
forfeit, &c.

AND if any Attorney at Law, or Officer herein before mentioned, shall neglect or delay to make and set up the Tables of their Fees, as herein before limited and appointed by this Act; or shall, by Colour of any Law, Custom or Usage of this Province or *Great Britain*, take, directly or indirectly, any more, greater or other Fees than is herein before appointed, for the Doing, Acting or Performing any of the Matters or Things herein before enumerated; or shall make Demand of any Fees, without giving the Party of whom such Fees shall be demanded, a Bill of Particulars, signed by him, if demanded; or shall refuse, upon Demand, to give the Party a Receipt or Discharge, under his Hand, for the Fees, upon Payment thereof; every such Person or Officer shall forfeit and pay, for the first of every such Offence the Sum of *Ten Pounds*, current Money of this Province; and for the second Offence the Sum of *Twenty Pounds*, Money aforesaid; one Half to the the Governor, for the Support of this Government, and the other Half to him or them that shall sue for the same: Which, with the Penalties and Forfeitures aforesaid, shall be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no *Essoin*, Protection or Wager of Law, or more than one *Impar lance*, shall be allowed. And for the Third, and every other Offence, be liable to be displaced or removed out of his Office; any Law, Custom or Usage to the Contrary notwithstanding.

See before
8 Geo. 1.
Chap. 244.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Attorney or Practitioner at Law shall be admitted to make any Plea at the Bar (except in his own Case) without taking the following Qualification by Oath or Affirmation, *viz.*

Attorney's
Affirmation.

THOU shalt behave thyself in the Office of Attorney, within the Court, according to the best of thy Learning and Ability, and with all good Fidelity, as well to the Court as to the Client: Thou shalt use no Falshood, nor delay any Person's Cause for Lucre or Malice.

Assembly-
men's Wages.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That from and after the Publication of this Act, the Wages of this present Assembly, and of all succeeding Assemblies, shall be *Eight Shillings per Diem*, for the Speaker, and *Five Shillings per Diem*, for each of the other Members.

CHAP.

C H A P. CCLVIII.

A Supplementary A C T to an A c t, entituled, An A c t to prevent the Exportation of Flour not merchantable. Supplied.

C H A P. CCLIX.

A Supplement to the A c t, entituled, An A C T Ant. Chap 252.
8 Geo. I.
for the Making good Beer, &c.

WH E R E A S by an Act of this Province, made in the Eighth Year of the Reign of King George, entituled, *An A c t for the Making good Beer, and for the Consumption of Grain in this Province*, Prohibiting the Use of Melasses, coarse Sugar, or Composition or Extract of Sugar, Honey, foreign Grains, Guinea Pepper, or any Liquor boiled up to the Consistency of Melasses, &c. in the Brewing, Making or Working of any Beer or Ale. And forasmuch as the good Design and Intent of the said Act is or may be frustrated and eluded, by the Brewer or his Servant, secretly and clandestinely Aiding and Assisting in the Using Melasses, &c. as aforesaid, in Manner aforesaid: For Prevention thereof, B E I T E N A C T E D by Sir WILLIAM KEITH, Baronet, Governor of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That every such Brewer, by himself, Servant, or other Person concerned in Brewing strong Beer or Ale for Sale, before they are admitted or licenced, shall be qualified by Oath or Affirmation according to Law, That he or she will not directly or indirectly, to his or her Knowledge, Privity or Consent, use any of the said Ingredients in the Making, Brewing or Working of such Ale or Beer, or put any therein, either before or after the Brewing thereof, under the Pains and Forfeitures mentioned in the said recited Act: Which said Qualification shall be taken by all Persons who shall brew strong Beer or Ale for Sale, in the open Sessions of the Peace within the City or County where they respectively follow their Trades, under the Penalty of Five Pounds: And the Justices of the said Sessions shall cause the same to be entered on Record, according to the Direction, and under the Penalties of the before recited Act.

An Oath or Affirmation to be taken by Brewers, not to use Melasses, &c. in brewing Beer.

A N D

Collector of
the Excise to
take their
Bonds and
Securities.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Collector of the Excise for the Time being shall take the Bonds and other Securities to be given by the said Brewers in this and the said recited Act, for the Uses in the said recited Act mentioned, and demand for the same such reasonable Allowance as in the said recited Act is appointed; any thing in this, or in the said recited Act, to the Contrary hereof in anywise notwithstanding.

C H A P. CCLX.

An ACT for establishing a Ferry over the River Schuylkil, at the End of the High-street of Philadelphia.

Mayor and
Commonalty
to erect a Fer-
ry at the End
of High-
street.

FOR the greater Conveniency of the Inhabitants on the West Side of the River *Schuylkil*, travelling to and from the City of *Philadelphia*, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That the Mayor and Commonalty of the said City of *Philadelphia*, may and shall, at their own proper Cost and Charge, within Eighteen Months after the Publication of this Act, make or cause to be made a sufficient Causeway and Landing at the End of the said High-Street of *Philadelphia*, on both Sides of the said River, and shall keep and maintain the same in good Repair, fit for Footmen, Horses and Carts to pass and repass, and also provide and maintain a good and substantial Ferry-Boat or Boats, and capable Ferry-men, who shall reside and dwell on the West Side of *Schuylkil* River, and duly and constantly attend the same as Occasion may require.

AND for the Support of the said Ferry, BE IT FURTHER ENACTED by the Authority aforesaid, That the said Mayor and Commonalty, and their Successors, by their Deputies or Officers, to be appointed for that Purpose, shall receive and take for Ferriage over the said River, of all Persons (the Proprietor and Governor, and their Attendants, only excepted) the several following Rates, and no more, *That is to say,*

For

For each Person, *One Penny.*

For each Horse, loaded or unloaded, *One Penny.*

For a Coach or Chariot, *One Shilling.*

For a Chaife of Four Wheels, *Six Pence.*

For a Chaife of Two Wheels, *Four Pence.*

For a Cart or Waggon with their Loading, *One Shilling.*

And without Loading, *Six Pence.*

For a Sled loaded or unloaded, *One Penny.*

Besides the aforesaid Rates for each Horse belonging to, and Person accompanying such Coach, Chariot, Chaife, Cart or Waggon or Sled.

For every Cow, or other neat Cattle, boated or swam, *Three Half-pence.*

For every live Sheep, *One Half-penny.*

And for every Hog or Swine, *One Penny.*

The Rates of
Ferriage.

AND for the better Encouragement of the said Ferry, BE IT FURTHER ENACTED by the Authority aforesaid, That no Person or Persons whatsoever shall keep or use any Boat or Canoe for transporting any Person or Persons, Creatures or Carriages, for Hire or pay, over the said River, in any other Place between those Ferries now called *Roach's* and *Blunston's* Ferries, on the said River, besides the Ferry hereby established, under the Penalty and Forfeiture of *Twenty Pounds*, lawful Money of this Government, for each Offence, to be recovered in any Court of Record of this Province, one Half thereof to the Use of the Informer or Prosecutor, who shall sue for the same, and the other Half to the Use of the Mayor and Commonalty of the said City, wherein no more than one Imparllance shall be allowed.

None to keep
a Ferry be-
tween *Roach's*
and *Blunston's*.

PROVIDED NEVERTHELESS, That nothing herein contained shall be deemed or adjudged to annul or make void any Contract made between the said Corporation and any Person or Persons whatsoever, in Relation to the said Ferry, but that the said Contract is hereby declared as good and effectual to all Intents and Purposes as before the Enacting of that Law.

C H A P. CCLXI.

See before
Chap. 250. &
Chap. 250.

An ACT for the better and more effectual putting in Execution an Act of Assembly of this Province, entituled, An ACT for the Emitting and Making current Fifteen Thousand Pounds in Bills of Credit.

Preamble.

WHEREAS some Doubts have arisen, That by the Purport and Direction of the said Act, the Trustees of the General Loan-Office of this Province are restricted from Loan of the said Bills on Mortgage of Lands and Houses subject to any former or other Incumbrances whatsoever; and the Persons offering to mortgage are thereby required to declare on Oath or Affirmation, viz. That the Lands, Houses and Ground-Rents are free and clear from any other or former Gift, Grant, Sale, Mortgage, or other Incumbrance to his or her Knowledge. **AND** inasmuch as all or most of the Lands purchased of the Proprietary of this Province, are held of him, his Heirs and Assigns, under certain Rents and Reservations; and many of the Houses and Lots of Ground in the City of *Philadelphia*, and divers other Parts of this Province, are subjected to Rents and Reservations thence issuing to divers Persons, with Clauses and Covenants for securing the same Rents. **AND** inasmuch as many well-meaning People in this Province called *Quakers*, who conscientiously scruple to take the Affirmation in the usual Form, are debarred by the said recited Act from taking up of the said Bills of Credit as thereby directed; by Means of all which Matters and Things before recited, the good Ends intended by the said recited Act are in a great Measure obstructed: For Remedying whereof for the Future, **BE IT ENACTED** by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, upon Loan of the said Bills, to accept in Mortgage any Messuages, Lots, Lands or Tenements in this Province, of all Manner of Persons whatsoever who have therein an indefeazible Estate of Inheritance in Fee-simple, tho' the same Messuages, Lands or Tenements be held under or subject to any Reserve, Quit-Rent, Ground-Rent,

Trustees may
accept of Es-
tates in Mort-
gage, tho' in-
cumber'd with
Ground-rents,
&c.

Rent, or other incumbent annual, half-yearly or quarterly Payment whatsoever thence issuing: But before the Trustees shall accept of any Mortgage of any Messuages, Lands or Tenements so incumbered with any Rent or Rents, they shall inform themselves of the clear Value of the same Messuages, Lands and Tenements, over and above the Value of the Rent (not reckoning the said Rents at more than Twenty, nor less than Twelve Years Purchase) and shall let out upon Loan to the Mortgager one Third Part of the clear Value aforesaid, to the best of their Judgment, in Bills of Credit, on Security of the same Messuages, Lands and Tenements, at the same Rate of Interest, for the same Term, in the same Manner and Form, subject to the same Provisoos and Conditions, and to and for the Ends, Intents and Purposes, as by the said recited Act is directed and appointed concerning other Houses, Lands, Rents or Hereditaments.

Trustees to inform themselves of the clear Value of Lands, &c.

PROVIDED NEVERTHELESS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That where any Person, being a *Quaker*, doth scruple to take an Affirmation in the usual Form, he or she shall be admitted by the said Trustees to mortgage, upon his or her solemnly or sincerely declaring to be true, That he or she is seized of the Lands, Houses or Ground-Rents so offered to be mortgaged, at the Time of Executing the Mortgage-Deed, in his or her own Right, to his or her own Use, and not in Trust; and that free and clear of any Gift, Grant, Sale, Mortgage, Arrearages of Ground-Rent, and all other Incumbrances, to his or her Knowledge (the Proprietary's Quit-Rents or other Ground-Rents then to accrue, and discovered to the said Trustees, only excepted.) And the same Exception shall be admitted by the said Trustees to all Persons Mortgagers, Swearing or Affirming in the usual Form, as required by the said recited Act; any Law, Usage or Custom to the Contrary notwithstanding.

Any *Quaker* scrupling the Affirmation, may sincerely declare, &c.

PROVIDED ALSO, AND BE IT FURTHER ENACTED by the Authority aforesaid, That at any Time or Times after any Default shall happen to be made, in Payment of any Sum or Sums of Money, by any Mortgager or Mortgagers, according to the Direction of the said recited Act; or in the more especial Form and Manner specified in the Deeds of Mortgage respectively (whether the same Deeds have been already made and executed

On Default of Payment the Trustees to sue, &c.

executed pursuant to the same Act, or shall hereafter be so made and executed) it shall and may be lawful to and for the Trustees of the General Loan-Office aforesaid, to sue forth and prosecute any Action or Actions of Debt, for Recovery of the Mortgage Monies, or any Part or Parcel thereof, either upon Bond (where Bonds have been or shall be taken for Performance of the Covenants contained in the Mortgage-Deed) or otherwise, as the Trustees shall think fit, to the Uses, Intents and Purposes mentioned and appointed by the said recited Act.

AND WHEREAS, by a Clause in the said recited Act, it is enacted, *viz.* That the Sum of *Two Hundred Pounds*, in the Bills aforesaid, are to be delivered into the Hands of the Treasurer of the County of *Bucks*, and the further Sum of *Three Hundred Pounds*, in the said Bills, into the Hands of the Treasurer of the County of *Chester*, to be applied by the respective Treasurers of the several Counties aforesaid, in such publick Services as in the same Act mentioned: But inasmuch as the Monies will not be wanted for those Services for a considerable Time; and to the End that a Circulation of the said Bills may be more speedily promoted: Therefore, BE IT FURTHER ENACTED by the Authority aforesaid, That the Representatives in General Assembly of the said respective Counties, shall receive of the respective Treasurers of the same Counties, so much Monies in the Bills of Credit so delivered, or to be delivered pursuant to the said Act (which the Treasurers are hereby required to pay pursuant to Orders of Assembly) as will amount to discharge the Assembly-men's Wages of the respective Counties, now due, or to become due during this present Session of Assembly.

ANNO REGNI
 GEORGIN
 REGIS
 DECIMO.

At a GENERAL ASSEMBLY begun
 at *Philadelphia*, in the Province of
Pennsylvania, the Fourteenth Day
 of *October*, in the Tenth Year
 of the Reign of our Sovereign
 Lord GEORGE, King of *Great*
Britain, &c. *Annoq; Domini* One
 Thousand Seven Hundred and
 Twenty-three, and continued by
 Adjournments until the Twelfth
 Day of *December* following: On
 which Day the following ACTS
 were passed by Sir WILLIAM
 KEITH, Bart. Governor of the
 said Province, *That is to say,*

C H A P. CCLXII.

An ACT for the Emitting and Making current
Thirty Thousand Pounds in Bills of Credit.

W H E R E A S by Virtue of an Act of Assembly Preamble.
 of this Province passed in the Ninth Year of His
 present Majesty's Reign, Bills of Credit for *Fif-*
teen Thousand Pounds were struck, and emitted, which being
 Y y y found

30,000 l. in
Bills of Credit to be
printed.

Number of
Bills of each
Sort.

being found by Experience to fall far short of a sufficient Medium in Trade, and could not supply the Wants of such as then had and still have Occasion to borrow upon the Securities prescribed by the said Act: Therefore that those Deficiencies may be supplied, and a further Provision made for Support of this Government, may it please the Governor that it may be enacted, **AND BE IT ENACTED** by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the Province aforesaid in General Assembly met, and by the Authority of the same, That indented Bills of Credit, to the Value of *Thirty Thousand Pounds*, current Money of *America*, according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen *Anne*, entituled, *An Act for ascertaining the Rates of foreign Coins in her Majesty's Plantations in America*, shall be made and prepared before the first Day of the Month called *March* next: Which Bills shall severally contain therein the Sums hereafter respectively mentioned, and no other, That is to say, *Eighteen Thousand* of the said Bills the Sum of *Twenty Shillings* in each of them: *Eight Thousand* of the said Bills the Sum of *Fifteen Shillings* in each of them: *Five Thousand* of the said Bills the Sum of *Ten Shillings* in each of them: *Six Thousand* of the said Bills the Sum of *Five Shillings* in each of them: *Six Thousand* of the said Bills the Sum of *Two Shillings and Six Pence* in each of them: *Six Thousand* of the said Bills the Sum of *Two Shillings* in each of them: *Four Thousand* of the said Bills the Sum of *Eighteen Pence* in each of them: And *Seven Thousand* of the said Bills the Sum of *One Shilling* in each of them.

A N D the Trustees hereafter named shall (at the Charge of this Province, to be defray'd and paid in Bills of Credit) cause and procure the said Bills to be made and printed upon good Paper or Parchment, in the Form following, and not otherwise, *viz.*

Form of the
Bills.

T H I S indented Bill shall pass current for ----- in all Payments, according to a Law of *Pennsylvania*. Dated the ----- Day of ----- in the Year our **L O R D** One Thousand Seven Hundred and Twenty-Three.

Signers
Names.

W H I C H Bills shall be signed and numbred by *Francis Rowle, Anthony Morris, Charles Read and Samuel Hudson*, or a Majority of them. And the Sums of Money that every of the said Bills is to pass for shall be printed at the Top
of

of each Bill, in Words at length, with the Arms of *Pennsylvania* on the left, and the Signers Names subscribed on the other Side thereof.

A N D that the Counterparts of all the said Bills shall be likewise printed, and shall be numbred by the Signers, who shall deliver the same unsigned to the said Trustees for the Time being at the General Loan-Office hereby intended to be erected, where they shall remain in Books kept for that Purpose, under the Care and Charge of the said Trustees, for the trying the Truth of the original Bills whensoever there shall be Occasion. And the same Bills shall be so fashioned as may render them less liable to be counterfeited or fraudulently resembled, by putting the Figure or Shape of a Crown in *Five Shilling* Bills, two Crowns in *Ten Shilling* Bills, three Crowns in *Fifteen Shilling* Bills, and four Crowns in *Twenty Shilling* Bills. And the said Signers shall also deliver to the said Trustees, at the said Loan-Office, the Original of all the said Bills so made forth, numbred and signed as aforesaid, not exceeding the Number herein before respectively limited and appointed, taking the said Trustees Receipts for the same, and charging them respectively with the Monies contained in the Bills so delivered in order to be lent out as herein after directed. And the said Signers shall cause to be kept a true Account of all the said Bills by them signed and delivered to the Trustees as aforesaid; and for their Trouble, Care and Diligence in doing what is required of them by this Act, they shall receive *Thirty-five Pounds* a-piece, payable to each of them, his Executors, Administrators or Assigns, in Bills of Credit, to be delivered to them by the said Trustees, within six Days after they deliver the said Bills and Counterparts in the Loan-Office as aforesaid.

Counterparts of the Bills to be numbred by the Signers, and delivered to the Loan Office.

Signers to keep Account of the Bills delivered.

Their Salary.

B U T before the said Persons hereby appointed, or hereafter to be appointed by Virtue of this Act, to be Signers of the said Bills of Credit, presume to act therein, they shall take an Oath or Affirmation before any one Justice of the Peace of the City or County of *Philadelphia*, who is hereby impowered and required to administer the same, charging them jointly and severally, That they will well and truly number, sign and deliver all the said original Bills of Credit, and truly number and deliver all the Counterparts of the same Bills, and keep a true Account of what Bills they sign and deliver, with the Counterparts thereof, according to the Direction of this Act.

Signers to take an Oath or Affirmation:

A N D

Trustees
Names.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That *Samuel Carpenter, Jeremiah Langborne, William Fishbourn* and *Nathaniel Newlin*, shall be and are hereby nominated and appointed Trustees for the holding and ordering of the said General Loan-Office, and for the Receiving and Issuing the said Bills of Credit and taking Securities for the same; and for the directing, managing and performing all other Matters and Things hereby enjoined and required to be done and transacted by them in the said Office, and relating to the said Bills of Credit, according to the Direction and true Meaning of this Act.

How to be
chosen in case
of Death, &c.

AND if any of the said Trustees shall happen to die or be removed for Misceazance, or for not Acting, it shall be lawful for the Assembly of this Province from time to time, during the Continuance of this Act, to elect and appoint some other fit Person or Persons in the Place or Places of such Trustee or Trustees so dying, misbehaving or refusing as aforesaid. But if no Assembly be then Sitting, it shall be lawful for such of the Trustees as survive and act, to choose others to supply such Vacancies until the Assembly sits: And that the Trustee or Trustees so from time to time elected and appointed, shall have the same Power and Authority as if they had been nominated and appointed by this Act.

How Trustees
are to be stiled, and their
Power.

AND that the Persons now or hereafter appointed Trustees by Virtue of this Act, shall be stiled *The Trustees of the General Loan-Office of the Province of Pennsylvania*, and by that Name shall have Succession during the Continuance of this Act, and by the Name aforesaid shall be able and capable in Law to receive, take, hold, enjoy and retain to them, and their Successors in the said Trust, all such Lands, Tenements, Rents and Hereditaments, and all such Plate as shall be granted them in Mortgage, for securing the Re-payment of such Sums of Money as they shall from time to time lend and issue in the said Bills of Credit, and also to sell, grant, alien and dispose of the same in Default of Payment, as in and by this Act is provided and directed in those Cases, and by the same Name to sue and implead, be sued and impleaded, answer and be answered, in all Cases relating to the said Trust, in all Courts and other Places whatsoever; and by the Name aforesaid to do and execute all other Matters and Things that to them shall or may appertain to do and perform, pursuant to this Act,

subject

subject to the Proviso'es, Restrictions and Limitations herein expressed.

AND that the said Trustees for the time being, or any three of them, shall duly attend at the said Loan-Office every third and fourth Day, commonly called *Tuesday* and *Wednesday*, in every Week, until all Demands for borrowing Money in the said Loan-Office be answered; and afterwards at such Times as their Trust and Service of the Publick may require them, during the Continuance of this Act.

Trustees to attend at the Loan-Office.

AND such of the said Trustees as shall undertake and execute the said Trust, shall be allowed for their Service and Trouble therein, after the Rate of *Twenty Pounds per Annum* a-piece, added to the *Fifty Pounds per Annum* allowed them as Trustees, for Emitting the said *Fifteen Thousand Pounds*, during the Continuance of that Act; and after the Expiration thereof the Sum of *Seventy Pounds per Annum* a-piece during the Continuance of this Act, payable to each of them, his Executors, Administrators or Assigns, in the said Bills of Credit, during the Continuance of their Trust.

Trustees Salary.

BUT the said Trustees before they receive the said Bills, or enter upon the Execution of their said Trust, each of them shall enter into Bond to the Provincial-Treasurer for the time being, in the Penalty of *One Thousand Pounds* each, conditioned for the due Observance of all Things required of them by this Act, and true Performance of the Trust hereby reposed in them; and shall also take an Oath or Affirmation before any one Justice of the Peace of the City or County of *Philadelphia*, who is hereby impowered and required to administer the same, in these Words, *to wit*,

Trustees to give Bonds to the Treasurer.

I A. B. will, according to the best of my Skill and Knowledge, faithfully, impartially and truly demean myself in the Discharge of the Trust committed to me by an Act of General Assembly of this Province, entitled, An Act for the Emitting and Making current Thirty Thousand Pounds in Bills of Credit, according to the Purport and Tenor of the said Act, so as none may be prejudiced by my Consent, Privity or Procurement.

Trustees Qualification.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees, after they are so qualified, shall receive into the said Office all such and so many of the said Bills of Credit and Counterparts

Trustees to receive into the Loan Office Bills and Counterparts, and give Receipts, &c.

To which Accounts a Committee of Assembly shall have Access.

parts thereof from the said Signers as they may have Occasion to lend out from time to time, and thereupon shall give their Receipts for the same, and keep true Accounts as well of the said Bills which they respectively receive and issue out, as also of the Money and Bills which they shall actually receive and pay pursuant to this Act: To which several Accounts the Committee of Assembly, hereafter appointed to audit the said Trustees Accounts, shall have free Access at all seasonable Times, to the End they be satisfied that the Sums for which Bills may be issued pursuant to this Act, is not exceeded; and may be acquainted from time to time with the State of the whole Transactions and Affairs relating to the said Office.

Trustees to lend 26500 l. of the said Bills on Land Security.

AND forasmuch as the chief Intent of appointing the said Trustees, is in order to enable them to lend the said Bills on Securities of Lands at low Interest; Therefore, IT IS FURTHER ENACTED by the Authority aforesaid, That the said Trustees shall lend out the Value of *Twenty-six Thousand Five Hundred Pounds* of the said Bills, on Land Securities, at the Interest of *Five per Cent. per Annum*, for the Term of twelve Years and a Half, from the Date of the said Bills, in Sums not exceeding *Two Hundred Pounds*, nor less than *Twelve Pounds Ten Shillings*, to any one Person.

Which are to pass in all Payments.

WHICH said Bills so lent shall pass in all Payments from any Person or Persons to any other Person or Persons, and shall be deemed to be good Payment for Debts, Rents, Goods, Chattels, Plate, Bargains, Sales, Specialties, Bonds and all other Demands whatsoever, as if the same were paid in the Coins mentioned, and at the full Rates ascertained in and by the said Act of Parliament; and shall be as effectual a Bar of such Suits or Actions as shall be brought for such Debts or Demands, as if the Money had been paid at the Day and Place, according to the Condition, Discharge or Contract, and had been so pleaded; and the Tenders and Refusal, or not receiving of the said Bills, shall be available and conclusive in Law and Equity, as if such Tenders were in the said Coins, or in current Coins of *England*, or in any other Coin or Specie mentioned in the Contracts upon which any such Tenders are made.

AND if at any Time pending an Action upon any Bond or other Writing obligatory, the Defendant shall bring into Court, where the Action shall be depending, all the

the Principal-Money and Interest due on such Bond or Writing, with all the Costs that have been expended in any Suit or Suits in Law or Equity upon such Bonds or Writings, the said Money or Value thereof, in the said Bills of Credit hereby made current, so brought into Court and offered at the Value and Rates set upon them by this Act, shall be deemed and taken to be in full Satisfaction and Discharge of the said Bond or Writing, and the Court shall forthwith give Judgment to discharge every such Defendant off and from the same accordingly.

AND for the better Discovery of Incumbrances which may affect the said Securities, it shall be lawful for the said Trustees, and such as they shall appoint from time to time, to make Searches in any Office in this Province; and, if there be Occasion, take Copies or Transcripts of the Dockets, or Notes of any Extents and Judgments, or of Mortgages and Entails, kept in any of the said Offices, without paying any Fee or Reward for the same.

Searches to be free.

AND to the End said Trustees may be the better enabled to perform their said Trust, they shall inform themselves as well of the clear Value as of the Titles of all the Lands, Houses and Ground-Rents which shall be proposed in Security for the said Bills, so as to be satisfied that the said Lands and Ground-Rents are at least double the Value, and Houses treble the Value of the Sums requested to be lent, and then they shall receive and take the same in Mortgage accordingly.

Trustees to inform themselves of the clear Value and Titles of Land, &c.

PROVIDED, That upon all the Loans hereby intended, the Trustees shall take Care that the Borrower has an indefeazible Estate in Fee-simple in the Lands, Tenements, Rents and Hereditaments by him proposed to be mortgaged; and that they are free from former Sales, Gifts, Grants, Mortgages, Entails, and all other Incumbrances, except the Proprietary's Quit-Rents, or other Rents issuing out of the same.

BUT before the Trustees shall accept of any Mortgage upon Messuages, Lands or Tenements, subject to the Payment of such Quit-Rents, Ground-Rents, Rent-Charge, or other annual Payments, they shall duly consider, and, according to the best of their Skill, find out the clear Value thereof, not reckoning the said Rents at more than Sixteen, nor less than Ten Years Purchase; and shall let out upon
Loan

Loan to the Mortgager one third Part of the Value aforesaid, in Bills of Credit, at the Interest, and for the Term aforesaid.

The Person offering Lands, &c. in Mortgage to take an Oath or Affirmation.

AND that the Person offering any of the said Houses, Lands, Ground-Rents or Rent-Charge to mortgage for any of the said Bills, shall, at or before the Time of executing the Deed of Mortgage, declare upon Oath or solemn Affirmation in the usual Form, but in case that be scrupled, then in the Form allowed by a late Act of Parliament to the People called *Quakers* in *England*, which the Trustees, or any one of them, are hereby impowered and required to administer, That he or she is really seized of the Premises in his or her own Right, and to his or her own Use, and that the same were not conveyed to him or her in Trust for the Use of any other Person, nor with Intent to raise any Sum or Sums of Money upon the same by Way of Loan, or otherwise, for the Use of any other Person or Persons whatsoever; and that the Lands, Houses and Ground-Rents, or Rent-Charge, mentioned in the Deed by him or her to be executed, are free and clear from any former or other Gift, Grant, Mortgage, or other Incumbrance, to his or her Knowledge, excepting the Proprietary's Quit-Rents or other Charges appearing in his or her Deeds then produced: Which Oath or Affirmation shall be indorsed on the Back of the Mortgage, with the Day and Year of the Caption thereof; for which the Clerk shall receive *Six Pence*, and no more.

Trustees shall take and receive Deeds of Mortgage in Fee-simple.

AND for securing the Payment of the Sums or Value so lent as above directed, the said Trustees, or any three of them, shall, in Pursuance of the Trust hereby reposed in them, and as Trustees of the General Loan-Office aforesaid, and not otherwise, take and receive Deeds of Mortgage in Fee-simple for what they lend: Which being executed and acknowledged or proved, as herein after directed, shall transfer the Possession of the Lands, Houses and Hereditaments thereby granted, to the said Trustees, and vest the Inheritance thereof in them and their Successors, as fully and effectually as Deeds of Feoffment, with Livery and Seizin, or Deeds inroll'd in any of the King's Courts at *Westminster*, may or can do in *England*. In all which Deeds, the Words [*Grant, Bargain and Sell*] shall amount to and be construed and adjudged in all Courts of Judicature, to be express Covenants to the said Trustees, their Successors and Assigns, from the Bargainer or Mortgager, for himself, his

The general Words in Mortgages to be construed as particular Covenants.

Heirs,

Heirs, Executors and Administrators, that the Mortgager, notwithstanding any Act done by him, was, at the Time of the Execution of such Deed, seized of the Hereditaments and Premises thereby granted of an indefeazible Estate in Fee-simple, free from all Incumbrances (Rents due to the Lord of the Fee, with the other Rents and Reservations contained in their respective Deeds, only excepted) and for quiet Enjoyment thereof against the Mortgager, his Heirs and Assigns, and all claiming under him or the former Owners thereof; and also for a further Assurance to be made by the Mortgager, his Heirs and Assigns, as the Case may require; so that those express Covenants are not to be set down at large in any of the Mortgages, but that the said Trustees and their Successors in the said Trust respectively, shall and may, in any Action to be brought, assign Breaches thereupon as they might do in Case such Covenants were expressly inserted in such Deeds.

AND that all the said Mortgages or defeazible Deeds, being sealed and delivered to the said Trustees, or some of them, in Presence of two or more credible Witnesses, and proved or acknowledged before any Justice of the Peace in this Province, shall be fairly enter'd at the Charge of the Mortgagers, in large Books to be for that Purpose provided and kept by the said Trustees as herein after directed; an attested Copy of any of the said Deeds so enter'd and certified under the Hands of the said Trustees for the time being, or any three of them, shall be and is hereby declared to be Matter of Record, and shall be good Evidence to prove the Sale or Mortgage thereby mentioned to be made.

Mortgages to be enter'd in Books, &c.

An attested Copy thereof to be Master of Record.

AND the said Trustees shall, at their own proper Costs and Charges, provide the said Books of Royal or other large good Paper, well bound and covered, wherein shall be recorded all the said Deeds of Mortgage given in Security for the said Bills of Credit to be lent out as aforesaid.

AND for the more regular Management of the Affairs relating to the said Office, the Trustees are hereby impowered to choose and imploy a fit and able Person (for whom they shall be answerable) to serve them as Clerk of the said Office, during their Pleasure; who, for recording every one of the said Deeds shall have the Sum of *Four Shillings*, and for every attested Copy thereof *Four Shillings*, and no more, and for every Mortgage-Deed that he draws, the Sum of *Eight Shillings*, and no more; which said Sums are to be

Trustees shall chuse a Clerk.

A a a a

paid

paid by the Mortgager, his Heirs, Executors or Administrators, in full Satisfaction of all Fees and Charges demandable by the said Clerk, for Drawing, Ingrossing and Recording the said Deeds, and inspecting the Title of the Lands and Premises thereby mortgaged.

The Clerk to
prepare Bond
and Warrant
of Attorney,
&c.

AND the said Clerk shall also prepare a Bond of double the Mortgage Money for every Mortgager to execute along with their respective Deeds of Mortgage, conditioned for the Payment of the Money borrowed, with the Interest, according to the Proviso or Condition contained in every such Deed of Mortgage; and shall also prepare a Warrant of Attorney to be, at the same Time, signed and sealed by every Mortgager, empowering such Person or Persons as the Trustees shall nominate and appoint to acknowledge or suffer Judgment, which they the said Trustees are hereby required to cause their Attorney to enter, in due Form of Law, in the Court of Common-Pleas for the proper County, against such Mortgager as shall make Default in the Payment of the Mortgage Money, or any Part thereof, according to the Direction of this Act, and Times of Payment specified in the Proviso contained in his Mortgage Deed, either in Actions of Ejectment to gain the Possession of the mortgaged Premises, or in Actions of Debt to be brought upon any of the said Bonds for Non-Performance of the Conditions thereof, or in such Actions of Debt as the said Trustees are hereby required to bring for the Value of these Bills of Credit, which happen to be received by the Mortgagers, whose Title to the Lands, Tenements or Hereditaments by them mortgaged shall prove defective, together with the Interest hereby allowed upon such Loans, and Costs of Suit. And the said Clerk shall also insert a Release of Errors in every of the said Warrants of Attorney: And for the said Bonds, Warrants of Attorney, and Release of Errors, the said Clerk shall have *One Shilling and Four Pence* each, and no more.

BUT before any Person so chosen to be Clerk shall enter upon the Execution of his said Office, he shall take an Oath or Affirmation, before some Justice of the Peace of the City or County of *Philadelphia*, who is hereby empowered and required to administer the same, in these Words,

Clerk's Qua-
lification.

I A. B. shall truly and faithfully perform and execute the Office and Duty that is directed and required of me, according to a Law of this Province, entitled, An Act for Emitting and

and Making current *Thirty Thousand Pounds* in Bills of Credit; and that I will keep a just and true Account of the Names of all such Persons as shall apply to the said Office for Bills of Credit, and will prepare and record their Deeds of Mortgage in the same Order of Time as their Applications are made, without any undue Preference, unnecessary Delays, or fraudulent Practice.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Sums of Money so lent upon Mortgage shall be paid in again, with the annual Interest, in the said Bills of Credit, or in current Money of *America*, or in any other Bills of Credit made current by a Law of this Province, to the Trustees of the General Loan-Office aforesaid, in Manner following, *That is to say*, One Twelfth Part and Half of the said Sum borrowed, with the whole Interest of *Five per Cent. per Annum*, shall be annually paid by the Mortgager, his Heirs, Executors or Administrators, to the said Trustees; who shall indorse the Sum received, both Principal and Interest, upon the Back of the Mortgage-Deed, and for each Indorsement made in Manner aforesaid they shall be paid, by the Mortgager, the Sum of *Six Pence*, and no more.

How the Money lent shall be paid in.

AND at the last Payment of the said Money and Interest, the said Mortgage shall be releas'd and delivered by the said Trustees; from which Time the said Lands, Houses and Ground-Rents so mortgaged or engaged shall be forever clearly acquitted and discharged; and the said Trustees shall make an Entry, in the Margin of the Inrollment of the said Mortgage, of the Day and Year of such Discharge and Release; for which they shall be paid by the Mortgager the Sum of *Six Pence*, and no more. An attested Copy of which Entry of the said Discharge or Release of such Mortgages, signed by the Majority of the said Trustees for the time being, shall be as valid and effectual in Law, as their Re-conveyance of the mortgaged Premises made and executed in the usual Form, can be to the Mortgagers, their Heirs and Assigns.

How the Mortgages are to be released at the last Payment.

PROVIDED ALWAYS, That if any Part of the said *Thirty Thousand Pounds* be remaining in the said Office at the End of eight Months, next ensuing the Date of the said Bills, and not taken out upon Loan, it shall be lawful to and for the said Trustees to lend out the same to any Person or Persons, in the same Manner, and upon the like

500 l. may be lent out of the Loan-Office to one Person after eight Months.

like Securities as herein before directed concerning other Loans, so as the whole Sum thenceforth to be advanced or lent to any one Person exceed not the Value of *Five Hundred Pounds* in the Whole.

The Mortgager to enjoy quiet Possession until Default made.

PROVIDED ALSO, AND BE IT FURTHER ENACTED by the Authority aforesaid, That until some Default shall be made by the said respective Mortgagers of or in Payment of the Mortgage-Money, or some Part thereof, it shall be lawful for them and their Heirs to hold and enjoy the mortgaged Premises, with the Appurtenances; any thing in the Deeds of Mortgage, or in this Act contained, to the Contrary notwithstanding.

Trustees upon Default to sell the mortgaged Premises, and no Redemption to be had of the same.

BUT if Default shall be made or suffered by any of the said Mortgagers, their Heirs, Executors, Administrators or Assigns, of or in Payment of any of the said yearly Payments or Sums, whether in Part of the Principal or Interest which they or any of them should have paid on the Days and Times and in Manner and Form as in and by their respective Deeds of Mortgage shall be specified, it shall and may be lawful to and for the said Trustees for the time being, at their Discretion, either to take their Remedy by Course of Law, as herein above directed, and proceed to take the mortgaged Lands and Hereditaments in Execution as for other Debts; or, within two Months next after the Days whereon the same ought to be paid, according to the several Provisoes or Conditions in the said Deeds respectively contained, to enter upon the Lands, Houses, Rents and Hereditaments in the same Deed specified, and expose the same to a publick Sale; and thereupon sell and convey the same Lands, Hereditaments and Premises to the best Purchaser, and out of the Money arising by such Sale detain and keep the Monies to them due thereon, and all Costs and Charges relating thereto, returning the Overplus, if any be, to the Owners of such Lands and Hereditaments; and that then and in such Case the Owners of such Lands and Hereditaments shall stand absolutely for-closed from all Equity of Redemption of the same.

Sheriff's Sale not to be avoided or released.

PROVIDED ALSO, That if any of the said Judgments, which Warrant the Awarding of any Writs for the Sale of the said Lands, Tenements or Hereditaments, shall at any time hereafter be reversed for any Error or Errors, then and in every such Case none of the said Lands, Tenements or Hereditaments so as aforesaid taken or sold,

or

or to be taken or sold upon Executions, nor any Part thereof, shall be restored, nor the Sheriff's Sale thereof avoided.

AND that no Sale, which shall be made by Virtue of this Act, shall be extended to create any further Estate to the Vendees, than the Lands or Hereditaments so sold or delivered, shall appear to be mortgaged for by the said respective Mortgages or defeazible Deeds.

PROVIDED ALSO, That it shall and may be lawful to and for the Trustees of the Loan-Office aforesaid, or any three of them, to let out upon Loan, in such Manner as they shall think best, any Sum of the said Bills of Credit not exceeding the Sum of *Two Hundred Pounds* to one Person, upon Security of good Plate, to be delivered to them at the Value of *Five Shillings* current Money of *America per Ounce*, and at the Interest of *Five per Cent. per Annum*; to be paid in again to the said Trustees within the Space of twelve Months, with the Interest aforesaid: And in case of Non-Payment, to sell and dispose of the said Plate for the most it will yield, returning the Overplus, if any be, to the Owner thereof, after Payment of the Principal and Interest, with the Charges accrued thereupon.

AND WHEREAS the Funds, provided for the Support of this Government, have proved deficient, and divers Sums claimed as Debts due from this Province remain yet unpaid: Therefore, BE IT ENACTED by the Authority aforesaid, That the Sum of *Thirteen Hundred Pounds* in the said Bills of Credit be delivered to the Provincial-Treasurer for the time being, who shall give his Receipt for the same; which Receipt shall be deemed, taken and allowed to be good and sufficient Discharge to the said Trustees, their Heirs, Executors and Administrators, for the Sums in Bills of Credit mentioned and contained in such Receipts: Which said Bills, or so many of them as shall be needful, the said Treasurer shall forthwith apply to the Paying and Discharging the several Sums of Money due and to be due and owing by an Order of Assembly of this Province. And that the aforesaid Sum of *Thirteen Hundred Pounds*, hereby directed to be lent to the Provincial-Treasury, and the Sum of *Two Thousand Pounds* lent the said Treasury, in Bills of Credit, last Year, shall be truly sunk, as the Sum or Sums of Money due or to be due to this Province, from the Collectors of the Impost and

Excise, and by *An Act for laying a Duty on Negroes imported*; and by *An Act for imposing a Duty on Persons convicted of heinous Crimes imported into this Province, &c.* and by an Act of this present Assembly for laying an Excise on all Wine, Rum, Brandy, and other Spirits, retailed in this Province, are paid to the Provincial-Treasurer for the Time being.

AND WHEREAS the Assembly is given to understand, on Behalf of the Commissioners and County-Treasurer of *Philadelphia*, that the said County is indebted for Arrears of Assembly-Men's Wages, and other Demands for carrying on and finishing the Publick Buildings, which cannot be effected without an Addition to the last Year's Loan. And it being also represented by the Mayor and Recorder of the City of *Philadelphia*, that they want also to borrow Bills of Credit for the publick Service of the said City; BE IT THEREFORE ENACTED by the Authority aforesaid, That the Sum of *One Thousand Pounds*, in Bills of Credit made current by this Act, be delivered by the said Trustees to the Treasurer of the said County of *Philadelphia*, who shall give his Receipt to the said Trustees for the same. And that the further Sum of *Three Hundred Pounds*, in the said Bills of Credit, be delivered by the said Trustees to the Mayor and Commonalty of the said City of *Philadelphia*, they giving their Receipts to the said Trustees for the same, and securing the Re-payment thereof, with Interest of *Five per Cent. per Annum*, by Obligation under their common Seal, to be given to the Trustees of the Loan-Office. And that the like Sum of *Three Hundred Pounds* be delivered to the Treasurer of the said City, without Interest, for four Years, to be by the Mayor and Commonalty applied towards the Building and Repairing of publick Wharffs and Bridges in the said City, they likewise giving their Receipts to the said Trustees for the same.

Sums of Money to be lent to the City & County of *Philadelphia*; and how to be applied.

A Sum to be lent to the County of *Chester*.

AND that the Sum of *Four Hundred Pounds*, in Bills of Credit, be delivered by the said Trustees to the Treasurer of the County of *Chester*, he giving his Receipt for the same: And that *Three Hundred Pounds* thereof be applied towards building a Court-House at *Chester*; and the other *Hundred Pounds* for Making and Repairing Bridges on the King's High-Road from *Philadelphia* to *New-Castle*, and towards other publick Charges.

AND

AND that the further Sum of *Two Hundred Pounds*, in Bills of Credit, be delivered to the Treasurer of the County of *Bucks*, he likewise giving his Receipt for the same. A Sum to be lent to *Bucks* County.

AND that the said several Sums so lent, and not hereby already appropriated to particular Uses, shall be applied to such publick Services as the said Mayor and Common-Council shall, within the Limits of the said City, and the Commissioners and Assessors of the said Counties shall, within their several Precincts, respectively order and direct. And that the said several Receipts shall be deemed and allowed to be good Discharges to the said Trustees, their Heirs, Executors and Administrators for the Sums respectively mentioned therein.

WHICH said Bills shall be sunk by such Proportions as other Loans are in this Act appointed by Taxes to be laid for that Purpose, in the same Manner that County and City Levies are usually raised and levied, until all the said Bills of Credit, so as aforesaid received on the Account and for the Use of the said City and Counties respectively, be sunk in the Manner hereby prescribed for sinking Bills of Credit in the said Loan-Office, and as the said Act for Emitting *Fifteen Thousand Pounds* in the like Cases directs. How the same shall be sunk.

AND WHEREAS the true and regular Sinking of the said Bills of Credit will very much conduce to the keeping up the Value of the same; BE IT ENACTED by the Authority aforesaid, That a Committee of the Assembly of this Province shall, once every Year, or oftner, as the Assembly shall think fit, be appointed to audit the Accompts of all the Monies so as aforesaid to be received by the Provincial-Treasurer, County-Treasurers and Mayor of *Philadelphia*, together with the Sums of Money, in Bills of Credit, let out upon Loan to the Inhabitants of this Province, according to the Direction of this Act, and also the Sums of Money and Bills of Credit received by the said Trustees from the respective Mortgagers, their Heirs, Executors and Administrators; and shall, within one Week next after the said Accompts are so audited, affix Advertisements on the most publick Places of the City of *Philadelphia*, setting forth what Quantity of Money has been received and is in the Hands of the Trustees aforesaid, over and above what will pay the Interest due to the Publick for the Loan of the said Bills of Credit let out upon Mortgage by Virtue of this Act; which Money shall by the said Committee of Assembly to audit the Accounts of the Loan-Office, &c.

How the yearly Quotas are to be sunk.

said Trustees be given in Exchange for Bills of Credit made current by this Act to any Person or Persons bringing in the same. And the said Bills of Credit, received as Part of the Principal Sum lent out of the said Office in Manner aforesaid, and remaining in the Hands of the Trustees, shall, within ten Days after such Audit, be sunk and destroy'd in the Presence of the Committee, who shall be appointed Auditors, they having first compared the said Bills of Credit with their Counterparts, and entred into a Book to be kept for that Purpose the Number and Value of each Bill of Credit so sunk and destroy'd.

After the Sum emitted shall be sunk the Trustees are discharged.

AND that after the aforesaid Sum of *Twenty-six Thousand Five Hundred Pounds*, in the said Bills of Credit, order'd to be let out upon Loan by this Act, shall be accounted for by the said Trustees, and sunk according to the Direction of this Act, the aforesaid Trustees, their Heirs, Executors and Administrators, and every of them, shall, from thence forwards, stand and forever be clearly discharged and acquitted of and from all and all Manner of Security, and other or further Demands to be had or made for any thing by them done in Discharge and Execution of the Trust reposed in them by this Act.

The whole Principal and Interest being paid discharges the Mortgage.

PROVIDED ALWAYS, That if any Person or Persons who shall take upon Loan any of the said Bills of Credit, shall see cause at any time after the Making the said Mortgage, and before the Forfeiture and Sale thereof, to pay down the whole Principal and Interest then due, in the like Publick Bills of Credit or current Money of *America*; upon his or her so doing, such Mortgage or Security shall be released and delivered in the Manner before directed; and the Lands, Ground-Rents and Houses in the said Mortgage Deed contained and mortgaged, shall be forever discharged therefrom.

And the Trustees shall let out the same on Loan.

AND IT IS HEREBY DECLARED AND ENACTED by the Authority aforesaid, That if any Sum or Sums shall be paid down, pursuant to this Clause, or to the like Clause in the said Act for Emitting *Fifteen Thousand Pounds*, before or at other Days or Times of Payment, than what are or shall be mentioned or specified in the respective Mortgages, then and in every such Case it shall be lawful for the Trustees of the Loan-Office hereby and by the said Act erected respectively, and they are hereby required, in the Presence of the Committee

of

of Assembly, to sink such Part or Parts of the Principal Sums due upon the said Mortgages, when such Payments are made as the said Acts respectively direct in other Cases, and thereupon emit or let out upon Loan all the Residue thereof, together with such other Sums as shall arise from the Sales of Estates forfeited and sold pursuant to the said Accompts. All which Sums so emitted shall be secured and made payable, with the Interest of *Five per Cent. per Annum*, at such Days and Times, and after such Manner as in and by this, and the said other Act, is respectively limited, and not otherwise, so that the Payments be proportioned to the Time unexpired in the said respective Acts.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That the annual Interest received for the Loan of the said Bills of Credit, which shall be remaining in Money in the Hands of the said Trustees, after the Accounts are audited as aforesaid, and after Salaries and Charges allowed by this Act are deducted, shall be disposed of in such Manner as the Assembly of this Province shall from time to time think fit to order and direct.

Interest of
Bills of Credit
to be disposed
of by the As-
sembly.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if any Person or Persons whatsoever, within this Province, shall, during the said twelve Years and a Half, offer to sell or expose to Sale any Goods or Chattels, Lands or Tenements whatsoever, and deny or refuse to sell, or ask a greater Value for the same, unless Payment be made in current Silver Money, Gold, Plate, Dollars, or other Specie whatsoever, and not in the said Bills of Credit (whereby the Credit of the said Bills may be impaired) then and in such Case the Person so exposing to Sale, and refusing as aforesaid, shall, if the Goods or Chattels exposed to Sale be under the Value of *Five Pounds*, forfeit the Sum of *Thirty Shillings*, for each Offence, to be recovered before any Justice of the Peace within this Province, upon the Oath or Affirmation of any two Witnesses; and if the Value of the Goods or Chattels, Lands or Tenements, be above *Five Pounds*, and under *Fifty Pounds*, the Exposer-to-Sale shall forfeit the Sum of *Five Pounds*; And if the Goods or Chattels, Lands or Tenements be above the Value of *Fifty Pounds*, and under *One Hundred Pounds*, the Exposer-to-Sale shall forfeit the Sum of *Ten Pounds*; And if the Value of the Goods and Chattels, Lands or Tenements be above *One Hundred Pounds*, the Exposer-to-Sale shall forfeit *Fifty Pounds*, to be recovered by Action of Debt

Penalties on
Persons offer-
ing Goods
cheaper for
Silver or Gold
than said Bills.

in any Court of Record within this Province, with Costs of Suit. The first two Forfeitures to be to the Use of any Person that shall sue for the same; the other two Forfeitures, the one Half to the Use of such Persons as shall sue for and prosecute the same with Effect, the other Half to the Governor, to be applied towards the Support of the Government of this Province; any Law, Custom or Usage to the Contrary in anywise notwithstanding.

AND BE IT FURTHER ENACTED

Penalties on
Persons coun-
terfeiting
Bills.

by the Authority aforesaid, That if any Person or Persons whatsoever shall presume to forge or counterfeit, or be Aiding or Assisting in Forging or Counterfeiting any of the said Bills of Credit, or utter or cause to be uttered or offered in Payment, any Bill or Bills (knowing the same to be actually forged or counterfeited) with an Intent to defraud any other Persons, and be thereof legally convicted, he, she or they so offending shall be set upon the Pillory in some open publick Place, and there have both his or her Ears cut off, and be publicly whipp'd on his or bare Back with Thirty-one Lashes well laid on; and moreover shall forfeit the Sum of *One Hundred Pounds*, current Money of *America*, to be levied of the Lands and Tenements, Goods and Chattels of such Offenders, the one Half thereof to the Use of the Government, and the other Half thereof to the Discoverer. And the Offender shall pay to the Party grieved double the Value of the Damage sustained by the said counterfeit Bills, together with the Costs and Charges of Prosecution. And in Case the Person or Persons so convicted have not sufficient to satisfy the Party for his or her Damages and Charges, and to pay the Forfeiture aforesaid, then and in such Case, the Offender or Offenders shall, by Order of the Court before which they were convicted, be sold for any Term, not exceeding Seven Years, for Satisfaction of the same. And in such Case the Trustees of the said Loan-Office shall reward the Discoverer and Prosecutor of such insolvent Offenders to the Value of *Five Pounds*.

How counter-
feit Bills shall
be dispos'd of.

AND that all Magistrates, and others, into whose Hands any counterfeited Bills may happen to come, shall forthwith deliver the same to one of the Trustees of the said Loan-Office, who shall cause the Names of those that delivered them, and of the Persons from whom they were taken, to be indorsed on the Back thereof; which Bills shall be safely kept in the said Office, and be forth-coming when there may be Occasion to make Use of the same.

AND

AND IT IS HEREBY DECLARED AND ENACTED by the Authority aforesaid, That this present Act, and the said other Act for Emitting *Fifteen Thousand Pounds*, shall be taken and allowed in all Courts within this Province as publick Acts, all Judges, Justices and other Persons concerned therein are hereby required to take Notice thereof as such, without Pleading the same specially.

PROVIDED ALWAYS, That it shall be lawful for the said Trustees of the Loan-Office to lend unto *Owen Roberts*, Collector of the Impost, &c. the Sum of *Four Hundred Pounds*, upon his giving Land Security, as is usual upon such Loans: Which Sum is to be delivered to the Provincial-Treasurer, towards paying the Arrears due from the said *Owen Roberts* to the Treasury of this Province; any Thing herein contained to the Contrary notwithstanding.

400 l. may be
lent out upon
Loan to *Owen
Roberts*.

C H A P. CCLXIII.

An ACT laying an Excise on all Wine, Rum, Brandy, and other Spirits, retailed in this Province. Supplied.

C H A P. CCLXIV.

An ACT to improve the Breed of Horses, and regulate Rangers.

WHEREAS the Multitude of small-sized Stone-Horses, running at large in the Woods, have very much degenerated the Breed of good Horses, and is found very detrimental to the Inhabitants of this Province, it is thought necessary that some suitable Remedy be provided in that Behalf: We therefore pray that it be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the Province aforesaid in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, no Stone-Horse of above Eighteen Months old shall be suffered to run at large within this Province, unless such Horse be of a comely

The Size of
Stone-Horses
that are suf-
fered to run in
the Woods.

Pro-

Proportion, and, by the Judgment of the Taker-up and one Freeholder in the Neighbourhood where he is taken up, shall be full thirteen Hands high, from the Ground to the Withers, reckoning four Inches Standard Measure to one Hand.

Penalty on
suffering Hor-
ses of lesser
Size to run in
the Woods.

AND in case any Stone-Horse, otherwise than is above described, shall be found loose and at large in the Woods, it shall and may be lawful for any Freeholder to take up and secure such Horse or Horses, in order to have them cut or gelt by a skilful Gelder, on the Risque of the Owner, or cause him or them to be detained until the Owner or Owners of such Horses (having speedy and convenient Notice thereof) shall geld or cut, or cause them to be gelt or cut ; for which taking-up and gelding the Owner or Owners of such Horse or Horses shall pay to the Person so taking up, securing and gelding, the Sum of *Ten Shillings*, to be recovered in like Manner before any Justice of the Peace as a Debt under *Forty Shillings*.

Provido.

PROVIDED ALWAYS, That no Person shall be entituled to the said Sum of *Ten Shillings*, unless Proof be made, by one or more credible Witnesses, that the Horse so gelt was seen well one Month after the Time of gelding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Stone-Horse or Horses shall be found at large above the Age aforesaid, and under fourteen Hands high, it shall and may be lawful for any Freeholder to take up such Horse or Horses, and with the Assistance of two other sufficient Freeholders of the Neighbourhood where such Horse is taken up, to view the said Horse or Horses, and if they shall judge such Horse or Horses not of comely Proportion or fit to run at large, according to the Intent and Meaning of this Act, then it shall be lawful for the said Freeholders to order the same to be gelt by such a Person as is above directed. And all Persons whatsoever that are or shall be Owner or Owners of such Horse or Horses so judged and geldt, shall pay the like Sum as above allowed (to be recovered in the same Manner) as is by this Act directed ; any Law, Usage or Custom to the Contrary in anywise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Horse or Colt shall be taken and gelt according to the Direction of this Act,

Act, and no Owner can be found in the Space of Twelve-months, that then and in such Case it shall and may be lawful for such Person or Persons, with the Advice and Consent of any two Justices of the Peace of the County to which they respectively belong, to sell the same by publick Vendue for the most that can be got, and all and every such Person and Persons are hereby required to pay all the Money arising by such Sales (after the Deduction of all incident Charges allowed by this Act) into the Hands of the County-Treasurer for the Time being, for the Use of the County.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Person, by Colour of Commission, or as a common Ranger, shall be allowed to range in the Woods or Forests after Horses or Mares, without Licence first obtained from the County Court where he lives, under the Penalty of suffering as a Horse-Stealer, for every Horse or Mare that such unlicensed Person shall take up, brand, mark, or dispose of.

No Person to range the Woods without Licence.

AND sofarasmuch as it will be necessary for one or more Persons in the respective Counties of this Province, to be licensed as Rangers in and for each County, who are hereby impowered and required to take up and secure all Horses and Mares for which no Owner can be found, and all such Horses and Mares (after they have been posted in three or more publick Places within every County of this Province, at least one Year) to sell and dispose of in such Manner as is before by this Act directed; which said Licence the Justices at their General Quarter-Sessions of the Peace for the said respective Counties, are hereby impowered and required to grant, and make such Allowance to the said Rangers for taking-up and securing the Horses and Mares aforesaid as they shall think fit.

Justices at the Quarter-Sessions to pay and find by the Ranger.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case any Person or Persons shall at any time be sued for any thing they do by Virtue of this Act, they may plead the general Issue, and give this Act in Evidence.

C H A P. CCLXV.

An ACT for continuing and establishing a Ferry over Nelhaminey Creek, on the King's High-Road from Philadelphia to Bristol, in the County of Bucks. Expired.

C H A P. CCLXVI.

An ACT to enable Trustees to sell the old Court-House and Prison belonging to the Burrough and County of Chester. Obsolete.



A N N O R E G N I
G E O R G I I
R E G I S
U N D E C I M O.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Eleventh Year of the Reign of our Sovereign Lord *GEORGE*, King of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Twenty-four, and continued by Adjournments 'til the Twenty-first Day of *August*, in the Twelfth Year of his said Majesty's Reign: The following ACTS were passed by Sir *WILLIAM KEITH*, Bart. Governor of the said Province, *That is to say*,

C H A P. CCLXVII.

An ACT to prevent the Exportation of Bread and Flour not merchantable. Repealed 7 Geo. II. Chap. 320.

C H A P. CCLXVIII.

An A C T to enable Jeremiah Langhorne, William Biles, Joseph Kirkbride, jun. Thomas Watfon, Practitioner in Physick, and Abraham Chapman, to build a new Court-House and Prison in the County of Bucks.

WHEREAS it hath been represented to this Preamble, House, That the Courts of General Quarter-Sessions of the Peace, and Common-Pleas for the County of *Bucks*, have of late been held at the Burrough of *Bristol*, in the said County; and that a great Number of the Inhabitants are settled many Miles back from that Place, which makes their Attendance at Courts very inconvenient and burthensome to the People living so remote; and that the Township of *Newtown* is near the Centre of the inhabited Part of the said County; and if a Court-House and Prison were erected in the said Township, it would be very commodious, and much for the Ease of the Inhabitants of the said County in general: May it therefore please the Governor that it may be enacted, **AND BE IT ENACTED** by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the Province aforesaid in General Assembly met, and by the Authority of the same, That it shall and may be lawful to and for the said *Jeremiah Langhorne, William Biles, Joseph Kirkbride, jun. Thomas Watfon and Abraham Chapman*, or any three of them, to purchase, and take Assurance, to them and their Heirs, of a Piece of Land, situate in some convenient Place in the said Township of *Newtown*, in Trust and for the Use of the said County; and thereon to erect and build, or cause to be erected and built, a Court-House and Prison, sufficient to accomodate the publick Service of the said County, and for the Ease and Conveniency of the Inhabitants.

Persons appointed to buy Land, to build the Court-House, &c.

AND BE IT ENACTED by the Authority aforesaid, That for the Defraying the Charge of Purchasing the Land, Building and Erecting the Court-House and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, who are hereby required to

Commissioners and Assessors to levy Money for the same.

to assess and levy so much Money as the said Trustees, or any three of them, shall judge necessary for Purchasing the Land and finishing the said Court-House and Prison.

Not exceed-
ceeding 300 l.

Provided always, The Sum of Money so raised do not exceed *Three Hundred Pounds* current Money of the Province.

AND BE IT FURTHER ENACTED

The Courts to
be kept, and
Elections to
be made at
the said Court-
House.

by the Authority aforesaid, That when the said Court-House shall be erected as aforesaid, that from thenceforth the several Courts of General Quarter-Sessions of the Peace, and Goal-Delivery, and the Courts of Common-Pleas for the said County, shall be holden and kept at the said Court-House, when the same is built and erected in the Township of *Newtown* as aforesaid; and the Election of Representatives to serve in General Assembly, Assessors, and all other Officers of the said County who are or shall be appointed to be annually elected, or otherwise shall be made and elected at the said Court-House; any Law, Custom or Usage to the Contrary in anywise notwithstanding.

C H A P. CCLXIX.

See a Supple-
ment to this Act
6 Geo. II.
Chap. 326.

An ACT for raising of County Rates and Levies.

WHEREAS by the Help and Directions of a Law of this Province, passed in the fourth Year of his present Majesty's Reign, entituled, *An Act for the more effectual Raising of County Rates and Levies*, the Method of those Assessments are brought to a competent Certainty and Regulation; but inasmuch as by a Supplementary Act, passed in the eighth Year of this Reign, the Number of Commissioners appointed by the first Act was reduced, and the Manner of their Choice and Succession settled, it is now thought convenient that both those Acts should be reduced to one, omitting some Clauses, which at present may not be of absolute Necessity to insert; **BE IT THEREFORE ENACTED** by Sir **WILLIAM KEITH**, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the Province aforesaid, in General Assembly met, and by the Authority of the same, That the present Commissioners for putting the said Acts in Execution, together with the Assessors of the respective Counties of *Philadelphia*, *Chester* and *Bucks*, now in being, shall continue in

The present
Commission-
ers and Asses-
sors to act.

in their several Places, and execute the Powers and Authorities given and required of them by the same Acts, for and during all the Time they were respectively appointed to serve, according to the Direction of those Acts.

A N D in Regard it is intended, that three Commissioners shall be continued to execute this Act in every County of this Province, and that the Eldest or First-chosen of them, shall be successively changed, by yearly Elections, in each County; IT IS THEREFORE ENACTED by the Authority aforesaid, That the Freeholders and Inhabitants of the said respective Counties, who are, by the Laws of this Province, qualified to elect and be elected Members of Assembly, shall, yearly and every Year, in a peaceable and quiet Manner, meet at the Time and Place appointed for such Elections, or the Day following, unless it be that called *Sunday*, and then on the Day next after; whereupon they shall choose, not only the said Commissioners, but also Persons to serve in Assembly, and to be Sheriffs, Coroners and Assessors of the said respective Counties, in Manner following, *That is to say*, all Persons who, by Virtue of the said Laws, have a Right to vote in Elections, shall deliver, in Writing, to the Judges of those Elections respectively, in one Piece of Paper, the Names of eight Persons for whom they vote to serve in Assembly, in one other Paper the Names of two Persons for Sheriffs, and two for Coroners; and in another Piece of Paper the Names of one Person to be Commissioner, and six to be Assessors for each of the said Counties: And when the said Commissioners and Assessors are so chosen, the Sheriff of the respective Counties shall take their Names in Writing, under the Hands and Seals of at least six or more of the said Freeholders, and certify the same to the Justices at their General Sessions of the Peace in each County, next after such Election: Which Return shall be entred on Record, by the Justices Clerk, in their Sessions Minute-Book. And that the Returns of all the said other Elections shall be made as usual, according to the Manner and Form prescribed by the said Laws of this Province relating thereunto.

The Time and Method of electing Members of Assembly, &c. and their Returns.

B U T before any of the said Commissioners and Assessors so chosen and returned, shall take upon them the respective Service and Duty by this Act required of them, they shall be qualified, *to wit*, the new elected Commissioner first, and the Assessors afterwards, by Oath or Affirmation, to the Effect following, *That is to say*,

E e e e

T H O U

The Commis-
sioners and
Assessors Qua-
lification.

THOU shalt well and truly cause the County Debts to be speedily adjusted, and the Rates and Sums of Money by Virtue of this Act imposed, to be duly and equally assessed and laid, according to the best of thy Skill and Knowledge; and herein thou shalt spare no Person for Favour or Affection, nor grieve any for Hatred or Ill-will.

By whom to
be administer-
ed.

WHICH Qualification or Engagement, any two or more of the Justices of the Peace in the proper County, or City of *Philadelphia*, where such Assessments are usually made, shall have Power, and are hereby required, under the Penalty of *Five Pounds* a-piece, to administer when required: And the said Qualifications shall be put in Writing, and signed by those that take them, and certified by the Justices, and filed by the Clerk of the Sessions along with the said Sheriff's Return of the Persons so qualified.

On Neglect
to chuse, the
old ones to
stand.

PROVIDED ALWAYS, That when the Inhabitants of any of the said Counties refuse or neglect to choose Commissioners and Assessors according to the Directions of this Act, then and in every such Case the Commissioners and Assessors, who officiated the Year next preceeding such Neglect, shall continue to officiate in their respective Stations until another Election be made, according to the Direction of this Act.

To meet an-
nally, and to
calculate the
public Debts,
&c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners and Assessors, or a Majority of them, as soon as conveniently they can, after they are qualified as aforesaid, shall annually meet at the Place where the Quarter-Sessions and other Courts are usually held, and then and there, or at such other Times and Places as the said Commissioners, or any two of them, may then after appoint, shall calculate the publick Debts and Charges of the said respective Counties; allowing all just Debts and Demands which now are and hereafter shall be chargeable upon the said respective Counties and City of *Philadelphia*; and shall from time to time adjust and settle the Sum and Sums of Money which ought of Necessity to be raised yearly, to pay for Representatives Service in General Assemblies, and to defray the Charges of Building and Repairing of Court-Houses, Prisons, Work-Houses, Bridges, and Causeways at the Ends of Bridges; or for destroying Wolves, Foxes and Crows, with such other Uses as may redound to the publick Service and Benefit of the said Counties respectively: And shall also

also ascertain and set down such competent Sum and Sums of Money as shall be yearly applied towards every of the said Services, together with such Sums as may be needful to make good Deficiencies in County Rates assessed and not yet collected, and to inforce the Collection thereof as Occasion may require.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That the said Commissioners, or any two of them, in each County, shall, within six Days after their said annual Meetings, issue forth their Precepts, directed to the Constables of every Township, requiring them to bring to the said Assessors, within six Weeks next after the Date of such Precepts, fair and true Certificates in Writing, upon their Oaths or Affirmations, of the Names and Surnames of all and every the Persons dwelling or residing within the Limits of those Townships or Places with which they shall be charged, and the Names of all Freemen, Inmates, hired Servants, and all other Persons residing or sojourning in every of the said Townships, together with an Account of what Tracts and Parcels of Land and Tenements they respectively hold in such Township; and how many and what Parts of those Tracts are settled, improved or cultivated, and how much of the same Land is sowed with Corn; and how many bound Servants and Negroes, with their Ages; and what Stock of Cattle, Horses, Mares and Sheep they possess, without Concealment, Fear, Malice, Favour or Affection, upon Pain of Forfeiture of any Sum not exceeding *Five Pounds*, to be levied as by this Act is appointed.

Commissioners to issue their Precepts to the Constables to bring in Certificates of all Taxables, &c. on Penalty, &c.

AND every of the said Constables shall, by an Order from one or more of the said Commissioners, have and receive from the Treasurer of the said respective Counties, *Three Pence* by the Pound, for their Care and Trouble in executing and returning the said Precepts in Manner aforesaid.

3d. per Pound for the Constable.

AND that the Assessors for the said respective Counties, or any four of them, shall meet at the Day and Place where the Commissioner's Precepts are made returnable, and then and there receive the Constables Returns; and shall thereupon, by the Oaths or Affirmation of the said Constables, or other credible Persons, or by any other lawful Ways or Means, inform themselves what Persons and Estates in their respective Counties are rateable by Virtue of this Act; and shall forth-

Assessors to meet at the Return of the Commissioners Precepts.

The Manner of Assessing, and who are rateable, &c. forthwith equally and impartially assess themselves, and all others rateable as aforesaid, exempting out of such Assessments all unsettled Tracts or Parcels of Land, *That is to say*, such Tracts of Land as at the Time of the said Assessments making are unseated, altho' the same were formerly accustomed to be rated in Assessments, and having due Regard to such as are poor and have a Charge of Children; and no single Man who at the Time of Assessment is under Twenty-one Years of Age, or hath not been out of his Servitude or Apprentiship six Months, shall be rated by this Act; but as to those single Men whose Estates shall not be rated at *Fifty Pounds*, they shall be assessed after the Rate of *Three Shillings* a Head, upon a Tax of *One Penny per Pound*, both for Poor Rates, and City and County Levies.

Proviso.

PROVIDED ALWAYS, That no Assessments of County Rates, to be made by Virtue of this Act in any one Year, shall exceed the Value of *Three Pence* in the Pound, and *Nine Shillings per Head*.

Proviso.

PROVIDED ALSO, That the Proprietary and Governor's proper Estate shall not be liable to be rated or assessed by Virtue of this Act.

AND BE IT FURTHER ENACTED

Persons who kill Wolves and red Foxes in an inhabited Part of the Country to bring their Heads to a Justice, and receive a Reward, &c.

by the Authority aforesaid, That whensoever any Wolves are killed within the inhabited Parts of this Province, and when red Foxes are killed by any Person or Persons (except Indians) within the said inhabited Parts, he or they who kill such Wolves or Foxes shall bring the Heads of them to some Justice of the Peace for the County where they are killed, who is hereby impowered and required to examine the Parties producing such Head, or at the Discretion of the Justice to charge him or them, upon Oath or Affirmation, to declare where those Wolves or Foxes, whose Heads they so produce, were killed, and by whom; and if it shall clearly appear to the Satisfaction of such Justice, that those Heads were severed from Wolves or Foxes so as aforesaid killed, by the Party producing the same, the Justices before whom such Examination is taken shall cause the Tongues and Ears of such Heads to be cut off, and upon Proof made as aforesaid, and not before, shall grant an Order upon the Treasurer of the County where such Wolves or Foxes are killed, reciting therein the Substance of the Proof, and requiring the Treasurer to pay the Party after the

the Rates herein after appointed for each Head, *That is to say,*

For every grown Dog or Bitch Wolf, *Fifteen Shillings.* Price for killing Wolves and Foxes.
 Every Wolf Puppy or Whelp, *Seven Shillings and Six Pence.*
 Every old red Fox, *Two Shillings.*
 Every young red Fox or Whelp, *One Shilling.*

PROVIDED NEVERTHELESS, That Indian killing of Wolves to have the Benefit of this Act.
 Wolves Heads brought before a Magistrate by any Indian, to claim the Benefit of this Act, shall be attended with a Certificate, or other Proof of some Person in the Neighbourhood where such Wolf was killed, certifying, under his Hand, that he saw such Head when green.

AND whosoever kills any Crows, he may bring them *3 d. per Head for Crows.*
 (but not less than six at a time) to the next Justice of the Peace, who shall see their Bills cut off, and then give the Party that brings them an Order upon the County-Treasurer to pay him *Three Pence per Head,* for every such Crow.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the said respective Sums of Money, with the Names of those Persons to whom payable, and the particular Uses to which they are appropriated, shall be entred in a Book to be kept for that Purpose by the Treasurers of the respective Counties, who are hereby required to provide Books, at their own Charge, wherein they shall make the said Entries accordingly. And that all Accounts of Debts and Demands, justly chargeable upon the said respective Counties, shall be allowed by a Majority of the Commissioners and Assessors of the same Counties for the Time being, who shall certify such Allowance accordingly, by Indorsement on the Accounts; and shall cause the Names of the Creditors, and the Sums so allowed them, to be entred in a Book, which the said Commissioners shall prepare and keep for that Purpose, at the Charge of the said respective Counties. Treasurers to enter Sums paid.
 A Majority of Commissioners to allow Accounts, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Assessors shall, at the Return of the Commissioners Precepts above-mentioned, divide the Counties wherein they act into Districts, and appoint some fit Person in every of those Districts to be Counties to be divided into Districts, and a Collector to be appointed in each.

Notice to be
given of the
Day of Ap-
peal, &c.

be Collector of the said Assessments from time to time, and shall cause fair Duplicates of the Assessments of each District to be drawn; one Part thereof shall, by the Clerk that writes the same, be delivered to one of the said Commissioners of the proper County, and the other Part to the Collector of each District, with Directions from the said Commissioners to every such Collector, indorsed on his Duplicate, or annexed thereunto, requiring him to demand of the Parties the respective Sums of Money wherewith they are chargeable, and acquaint them of the Day of Appeal, which shall be appointed by the said Commissioners within one Month after the Assessments are made; but where any of the said Collectors cannot meet with the Party of whom Demand is to be made as aforesaid, he or they shall leave Notice in Writing with some of the Family, or at the Place of the Parties last Abode, signifying also the Day of Appeal; at which Day every of the said Collectors shall return their Duplicates, with the Names of such Persons, and Value of such Estates, as shall be concealed, undervalued or omitted in the Constables Return.

The Party
grieved may
appeal.

A N D if any Person or Persons find him or themselves aggrieved with any of the said Assessments, supposing the same to be unequal, he or they may appeal to the Commissioners of the proper County.

Commissioners and Assessors to meet on the Day of appeal, & examine those that appeal, &c.

A N D the said Commissioners are hereby required to meet on the said Day of Appeal, where the Assessors shall attend, and lay before the Commissioners all the written Certificates of the Names of the Taxables, and the Account of their Estates, returned by the Constables, as this Act requires, together with the particular Valuation set by the Assessors upon the Persons and Estates so returned: Whereupon the Commissioner shall take due Notice thereof, and strictly examine the Persons appealing, upon their Affirmations, or otherwise, concerning the Cause of their Appeal; and upon such Examination, or Proof of others, they are impowered to diminish or add to such Person's Rate or Assessment, as to them shall seem just and reasonable, with Power also to call before them such Persons, and take Notice of such Estates as they find are omitted in the said Assessments, in order to rectify it: And if the Persons so omitted refuse or neglect to appear and give an Account of the Value of their Estates, they shall pay double the Sum they should or ought to have been rated at by this Act.

A N D

AND the said Commissioners, upon hearing of the said Appeals, shall rectify and adjust the said Assessments, by abating or adding to the Sums contained in their said respective Duplicates, and cause their Clerks to give the Parties concerned, where Omissions are supplied or Additions made to their Assessments, five Days Notice to appear before the Commissioners and make their Objections thereunto: And that the said Clerks shall, within ten Days next after the said Day of Appeal, deliver to the Treasurers of the said respective Counties a true Account of the Sums total which every Collector shall be charged with pursuant to this Act.

Assessments being rectified, to cause their Clerks to give five Days Notice.

Sums total to be delivered to the Treasurer.

AND the said Commissioners shall cause their Clerks to draw fair Duplicates of the Assessments of the said respective Districts so rectify'd as aforesaid, and deliver them to the Collectors of those Districts where they belong, within twenty Days after the said Day of Appeal, with a Warrant annexed thereunto, under the Hand and Seal of one or more of the Commissioners who signed the Assessments, requiring them forthwith to collect and receive from the Persons assessed the several Sums in the said Duplicates respectively mentioned, either in ready Money, Bills of Credit, or good merchantable Wheat, at Money Price, to be delivered at such Market, Mill or Mills in the said respective Counties, where the Charge of the Portage thereof to Philadelphia shall not exceed *Three Pence per Bushel*; and that the Miller's Receipt for the said Wheat being delivered to the respective Collector by the Persons paying or delivering the same as aforesaid, shall be taken by the said Collectors as Payment from the Persons by or from whom the same are delivered as aforesaid.

Duplicates to be delivered to the Collectors.

In what Species to be paid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Collectors shall, once in six Weeks at least, render a just and true Account of, and bring in and pay unto the respective County Treasurers all such Sums of Money and Receipts for Wheat as they shall then have received, and shall pay the Whole and every of the Sums of Money assessed in their respective Duplicates, within three Months next after the said Days of Appeal; and the Treasurers shall give Receipts to the Collectors for what they shall so bring in and pay from time to time; which Receipts shall be the Collector's Discharge for so much.

Collectors to account once in six Weeks, and pay the Whole in three Months.

AND

Treasurers to
acquaint the
Commissioners of the
Sums received,
and of the
Collectors
Neglect.

AND that the said Treasurers shall from time to time signify, in Writing, to the said Commissioners, how much every Collector brings in and pays as aforesaid; and when any of the said Collectors are negligent or refuse to do their Duty in the Premises, the Treasurers are hereby required forthwith to signify the same by Way of Complaint to the Commissioners where such Neglect or Refusal shall happen.

Persons refusing to pay in
30 Days after
Demand, the
same to be
distrain'd for.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons so rated or assessed by Virtue of this Act, shall refuse or neglect to pay the Sum or Sums so assessed, in ready Money, Bills of Credit, or Wheat delivered in Lieu thereof in Manner aforesaid, by the Space of thirty Days after Demand made as aforesaid, it shall be lawful for the said Collectors respectively, by Virtue of a special Warrant for that Purpose, signed and sealed by two or more of the said Commissioners, who shall forthwith grant the same, and shall thereby empower the said Collectors to call to their Assistance, if Occasion be, any Constable or other Person, and in case of Resistance, to break open, in the Day-time, any House, Trunk, Box, Chest, Closet, Cupboard, or other Things, where any such Offender's Goods and Chattels, or other Effects are supposed to be, and make Distress and Sale thereof, rendering the Overplus, if any be, to the Owners, after reasonable Charges deducted.

For Want of
Distress to
take the Bod-
ies.

BUT if no Distress can be found by the Collector, and the Party refuses or neglects to shew them Goods or Chattels of his own forthwith to satisfy the Money then due, with reasonable Charges, then the Collector shall take the Body of every such Person, and bring him to the County Goal, and deliver him to the Sheriff or Keeper of the said Goal, who shall detain him in safe Custody, without Bail or Mainprize, until Payment be made.

If Effects for
Part, the De-
linquent to be
imprisoned
for the Resi-
due.

PROVIDED ALWAYS, That where Effects cannot be found sufficient to answer the whole Sum in Arrear, with Charges as aforesaid, then Distress shall be made for so much as the Effects extend to, and the Party to be imprisoned only for the Residue thereof, with incident Charges: All which Charges of Distress, Assistance, and bringing to Prison, shall be adjusted and settled by any two or more of the said Commissioners, when such Occasion shall happen.

AND

AND BE, IT FURTHER ENACTED

by the Authority aforesaid, That if upon Complaint of the Treasurer to the Commissioners, it shall appear that any of the said Collectors refuse or neglect to pay the said Sums of Money, or other Effects, which he or they shall be respectively charged to collect, or produce Receipts testifying the Payments or Delivery thereof as aforesaid, and deliver the Money or Receipts for Wheat in the Manner and at the Time by this Act required, retaining such Sums as is hereby allowed for collecting and paying the same, then the Commissioners of the proper County, or any two of them, shall fine every such delinquent Collector, in any Sum not exceeding *Ten Pounds*, and appoint others to act in his or their Stead.

If Collectors neglect to pay, to be fined.

AND moreover, it shall be lawful for the said Commissioners of the proper County, or any two of them, and they are hereby required, to meet and issue out their Warrants, under their Hands and Seals, directed to the Sheriff or Coroner of the proper County, requiring him to take the Body, and seize and secure the Estate, real and personal, belonging to such Delinquent, or which shall come into the Hands or Possession of his Heirs, Executors or Administrators, wherever the same can be discovered or found in this Province, and make Return of his Proceedings therein, at such Time and Place as the Commissioners shall appoint.

Process to issue against delinquent Collectors Estates.

AND that the said Commissioners, who shall cause the said Lands and Estates to be seized and secured as aforesaid, shall be and are hereby empowered to appoint a Time for a General Meeting of the Commissioners of such County, and there do cause publick Notice to be given where such Meeting shall be appointed, six Days at least before such General Meeting; and the Commissioners then present at such Meeting, or the major Part of them, in case the Money detained by such Delinquent be not then paid or satisfied, shall and are hereby empowered and required to issue forth their Warrants or Precepts to the Sheriff or Coroner of the proper County, empowering and requiring him to sell and dispose of all such Estates as shall be for the Cause aforesaid seized and secured, or any Part thereof, and to bring the Money arising by such Sale to the Commissioners who granted such Warrants, in order to satisfy and pay unto the respective County Treasurers for the time being the Sum or Sums that shall be so unpaid or detained in the Hands of the said Collectors, or other Persons, their Heirs,

Commissioners to appoint a General Meeting, and to issue their Precepts, to sell the said Estates, &c.

Executors or Administrators respectively, with Damages for what shall be so unpaid, returning the Overplus (if any be) to the Owner, after all necessary Charges deducted.

The Title of which shall be by Deed from the Sheriff or Coroner.

AND when any Sale of Lands, Tenements or Hereditaments shall be made by such Sheriff or Coroner respectively, pursuant to this Act, the Title and Conveyance thereof shall be by Deed, signed, sealed and delivered by the Sheriff or Coroner to such Person or Persons as shall purchase the same, in Fee-simple, or otherwise; which shall be most absolute and available in Law against the said Delinquents, and their Heirs and Assigns, and all claiming under them.

Gifts, &c. made after the Money should have been paid, are declared to be fraudulent.

AND that all Gifts, Grants and Sales, which shall be made by any of the said delinquent Collectors, or other Officers respectively, of any of their said Estates, after the Time they should have paid the Money or Effects arising from the said Assessments (unless the Estate so seized be sufficient to answer what they are in Arrear) are hereby declared to be fraudulent, and shall not prevent or avoid the Seizure and Sales hereby appointed to be made thereof as aforesaid.

AND BE IT FURTHER ENACTED

Freemen and hired servants to be taxed, Householders to give Account of their Lodgers, &c. on Penalty, &c.

by the Authority aforesaid, That all Freemen, not being Householders, nor having a certain Place of Abode; and all the said hired Servants, shall be taxed at the Place where they reside at the time of the Constables taking their Names as aforesaid; and that every Householder shall, at the Request of the said Constables of the respective Townships, Wards or Places, give an Account of the Names, Qualifications and Estates of such Persons as shall sojourn, lodge or dwell in their respective Houses, under the Penalty of *Forty Shillings*, to be levied, charged and paid in Manner aforesaid.

On Non-payment by Freemen, or Servants, the Collectors may distrain upon the Employer.

AND if any such Freemen shall not be found at such Place of Residence, nor within the same Township where their Names are taken as aforesaid, at the Time when such respective Collectors shall come to receive such Householders Assessment, then (unless such Freemen or Servant hath by himself or Friend paid, or unless such Householders or Employer doth pay the same for him upon Demand made thereof by the Collector) it shall and may be lawful for every such Collector to make Distress and Sale of the Householder's

Houſholder's or Imployer's Goods and Chattels for the ſame, rendring the Overplus to the Owner as aforeſaid ; and every ſuch Houſholder or Imployer ſhall recover the ſame from every ſuch Freeman, with Charges, by Warrant from any Juſtice of the Peace of the proper County, as in caſe of Debts under *Forty Shillings*.

AND BE IT FURTHER ENACTED

by the Authority aforeſaid, That if any of the ſaid Com-
miſſioners ſhall reſuſe or neglect to do his or their Duty in
the Premies, he or they ſo offending ſhall be fined by a
Majority of the Juſtices of the Peace of the proper County
for the time being, at their next Quarter-Sessions after the
ſaid Offence is committed, in any Sum not exceeding *Ten
Pounds*, for every Offence ; which, by Virtue of a Warrant
under the Hands and Seals of the ſaid Juſtices, or any two
of them, directed to the Sheriff or Coroner of the County
where ſuch Offender or his Eſtate is at the Time of iſſuing
of ſuch Warrant, ſhall be levied by Seizure and Sale of
Lands, Diſtreſs and Sale of Goods, or Imprisonment of
Body, as the caſe ſhall require ; and from and after ſuch
Reſuſal or Neglect, or if any of the ſaid Commiſſioners
ſhall miſbehave themſelves, or happen to die, during the
Time for which they are choſen, the other Commiſſioners
and Aſſeſſors for the time being, at their next Meeting,
next after ſuch Death, Reſuſal, Miſbehaviour or Neglect,
ſhall, in every ſuch Caſe, appoint others to act in their
Stead.

The Com-
miſſioners on ne-
glect of Duty
to be fined,
&c.

In caſe of
Death, &c.
new Com-
miſſioners to be
choſen.

AND if any of the ſaid Treasuſers ſhall reſuſe or ne-
glect to do his Duty, as by this Act is required, he ſhall be
fined by two or more of the Commiſſioners for the County
where he is deficient of his Duty, in any Sum not exceeding
Ten Pounds, for every Offence ; which ſhall be levied as
aforeſaid, by Virtue of a Warrant under the Hand and Seal
of two or more of the ſame Commiſſioners, directed as afore-
ſaid ; and from and after ſuch Reſuſal or Neglect, or if any
of the ſaid Treasuſers ſhall happen to die, the Commiſſio-
ners of the proper County, ſhall, in every ſuch caſe, ap-
point others to act in their Stead.

The Treasu-
ers to be fi-
ned by the
Commiſſio-
ners.

New Treasu-
ers to be cho-
ſen on Death,
&c.

AND if any of the ſaid Aſſeſſors ſhall reſuſe or neglect
to do their Duty, as this Act requires, the Commiſſioners of
the proper County, or any two of them, ſhall fine every ſuch
Aſſeſſor, in any Sum not exceeding *Ten Pounds*, which ſhall
be levied by one of the ſame Commiſſioners Warrant in
Manner aforeſaid.

The Aſſeſſors
to be fined by
Commiſſio-
ners.

ALL

Fines to be
paid into the
County Stock.

A L L which Fines, with all other Fines and Forfeitures mentioned in this Act, shall be levied as aforesaid, and shall be paid and added to the publick Stock of the respective Counties where they shall happen.

The Commis-
sioners Allow-
ance.

A N D the said Commissioners shall be allowed *Four Shillings and Six Pence* each, for every Days Attendance, besides *Twelve Pence* for every Precept and Warrant they are to sign by Direction of this Act; which, with reasonable Charges to be allowed their Clerks for delivering the Duplicates and other Services, besides Writing, as the said Commissioners in their respective Counties, by Order under the Hand of two of them, shall think fit to allow, shall be paid by the respective County Treasurers.

The Assessors
Allowance.

A N D the said Assessors for their Time and Labour in the Premises, shall be allowed *Six Pence per Pound* for the whole Sum contained in the Rates of their respective Counties, after the Assessment is rectified and adjusted by the Commissioners according to the Directions of this Act; to be paid by the Treasurer upon Sight of the Commissioners Order for the same, and be equally divided amongst them: Which said Poundage shall be to the Assessors for the time being, in full Satisfaction for all the Service and Attendance required of them by this Act.

The Collec-
tors Allow-
ance.

A N D the said Collectors shall retain in their Hands *Twelve Pence per Pound* for all Sums of Money by them respectively collected, together with what they shall pay the Assessors as aforesaid.

The Clerks
Allowance.

A N D those that officiate as Clerks shall, for their Pains in writing the Duplicates, and all Warrants and Precepts relating to the Premises, have and receive as followeth, *viz.* The Clerk of *Philadelphia*, *Four Pounds*: The Clerk of *Chester*, *Four Pounds*: And the Clerk of *Bucks*, *Three Pounds Ten Shillings*: Which the respective County Treasurer is hereby required to pay them accordingly.

Penalty on
the Clerk's
neglect of
Duty.

A N D if any of the said Clerks shall neglect to do his or their Duty, as by this Act is required, he or they shall be fined by the Commissioners of the proper County in the Sum of *Ten Pounds* each; to be levied and paid as aforesaid. And in case of Death or Neglect of any of the said Clerks, the Commissioners shall forthwith appoint others to act in their Stead.

PROVIDED ALWAYS, That if any Person or Persons be sued or prosecuted for any thing done in Pursuance of this Act, he or they may plead the general Issue, and give this Act and special Matter in Evidence for their Justification; and if the Plaintiff or Prosecutor become Nonfuit, or forbear Prosecution, or suffer Discontinuance; or if a Verdict pass against him in such Action, Suit or Information, the Defendant shall have treble Costs, to be recovered as in case where Costs by Law are given to Defendants.

Persons sued, &c. to plead the general Issue, &c.

The Plaintiff if cast, to pay treble Costs.

PROVIDED ALSO, That no Person or Persons shall be sued or prosecuted for Neglect in the Execution of this Act, unless he or they be sued or prosecuted within twelve Months after such Offence committed.

Prosecution to be within 12 Months.

PROVIDED ALSO, That no Proceedings prescribed or required by this Act against Collectors, and other Officers and Persons refusing or neglecting to comply therewith, shall be stayed by *Noli prosequi*, or otherwise; nor any Fines or Forfeitures arising by this Act pardoned or released, without Payment thereof made to the Uses hereby appointed; any Law or Usage to the Contrary notwithstanding.

No Suits to be stayed or Fines pardoned.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Commissioners and Assessors of the said respective Counties for the time being, or the major Part of them, are hereby empowered and required, as often as there may be Occasion, during the Continuance of this Act, to choose a Treasurer for each County; which Treasurers, when so chosen, as well as the present County Treasurers, and every of them, are hereby empowered and required respectively to receive all the Money and other Effects arising as well from all the said Assessments, as also the Fines and Forfeitures which shall be imposed from time to time by Virtue of this Act.

Treasurers to be chosen by the Commissioners and Assessors.

AND that the said respective Treasurers for the time being, before they enter upon the Execution of their Offices, shall become bound to the Commissioners of the proper County, with one or more sufficient Sureties, *to wit*, The Treasurer of *Philadelphia* County, in an Obligation of *One Thousand Pounds*: The Treasurer of *Chester* County, in an Obligation of *Eight Hundred Pounds*: And the Treasurer

Who are to give Security to the Commissioners.

of *Bucks County*, in an Obligation of *Four Hundred Pounds*, conditioned for the true Execution of their respective Offices and due Observation of this Act.

In case of Death, &c. the Commissioners to appoint others.

Treasurers to keep Books, &c.

AND in case of Death or Removal of any of the said Treasurers, then the Commissioners and Assessors of the proper County for the time being, or the major Part of them, shall appoint others to supply the Places of such as shall so die or be removed, from time to time, who shall give Security as above ; which said respective Treasurers shall give Security in Manner aforesaid, and shall keep a distinct Book in each County, containing a particular Account of all the Rates and Assessments made or to be made as aforesaid ; as also of all Disbursements and Payments made by Order of former Commissioners and Assessors ; with such Payments as shall hereafter be made by Order of the Commissioners by Virtue of this Act.

And settle their Accounts yearly.

Treasurers Allowance.

AND that the Treasurers shall, yearly, at the next Quarter-Sessions after Midsummer-Day, in each County of this Province, bring in and settle their respective Accounts with the said Commissioners and Assessors, a Majority of whom shall give Attendance for that Purpose, and shall have Power to adjourn from time to time, till the Accounts be settled : And the Treasurers shall be allowed for their Trouble in receiving and paying all such Money as shall come into their Hands respectively by Virtue of this or the other Acts for raising County Levies, so much as the said Commissioners and Assessors, or the major Part of them, from time to time shall judge reasonable.

Treasurers removed to deliver up their Accounts, &c. to their Successors, on Penalty, &c.

AND where any County Treasurers shall be removed from their Offices of Treasurers, they shall deliver up to the succeeding Treasurers all the Books, publick Accounts and Papers belonging to those Counties where they acted, whole and entire, and undamaged, under the Penalty of *One Hundred Pounds* ; to be recovered in Manner and for the Uses herein above-mentioned. And where any County Treasurer hath been or shall be removed by Death, the Executors or Administrators of such Decedent shall deliver in like Manner all the Books and Papers relating to the said publick Accounts, to the succeeding Treasurers, under the same Penalties, to be recovered as aforesaid.

Repeal of former Laws.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Acts *for the more effectual*

effectual raising of County Levies, made in the fourth Year of his present Majesty's Reign, and the said Supplementary Act, made in the eighth Year of the same Reign, and all other Acts made for raising and collecting Arrears of County Levies, passed in the several Reigns of the late King *William* and Queen *Anne*, and every Article, Clause or Thing therein, or in any of them contained, shall be and are hereby repealed to all Intents and Purposes whatsoever.

C H A P. CCLXX.

An A C T to regulate the Practice upon Writs of Summons and Arrest.

*Antea, Chap.
94 & 155.*

WH E R E A S it hath been the earnest Endeavours of the legislative Power of this Government, to provide for the Liberty of the Subject, by Regulations of this Kind, without the least Design of protecting Mens Estates from Payment of their Debts; but so far as Justice would permit, to maintain the Freedom of their Persons, according to the ancient common Law of *England*, which suffered not the Body, in case of Debt, to be detained in Prison, but be at Liberty to follow his own Affairs and Business, &c. And it seems highly just that the same Reason should take Place in this new Colony, where Plantations are to be improved by hard Labour and great Diligence: Therefore may it please the Governor that it may be enacted, **A N D B E I T E N A C T E D** by Sir **WILLIAM KEITH**, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That no Freeholder inhabiting in any Part of this Province, who hath resided therein for the Space of two Years, and has fifty Acres of Land, or more, in Fee-simple, well seated, and twelve Acres thereof, or more, well cleared and improved, or hath a dwelling House worth *Fifty Pounds* current Money of *America*, in some City or Township within this Province, clear Estate, or hath unimproved Land to the Value of *Fifty Pounds*, like Money, shall be arrested or detained in Prison by any Writ or Arrest, or *Capias ad Respondendum*, in any civil Action, unless it be in the King's Case, or where a Fine is or shall be due to the King, his Heirs or Successors; or unless they be such Freeholders as by this Act are made

Preamble.

No Freeholder to be arrested; and who shall be deemed such.

Except in the King's Case, &c.

liable

Process to be liable to be arrested; but that the original Process against
by Writ of Freeholders shall be a Writ of Summons, under Hand and
Summons. Seal of one of the Justices of the Court of Common-
Pleas, directed to the Sheriff or Coroner there, as the Case
may require, commanding to summons the Defendant:
The Form of which Writ shall be as followeth, *viz.*

The Form.

G E O R G E, *by the Grace of G O D, of Great Britain,
France and Ireland, King, Defender of the Faith, &c.*
To the Sheriff of the County of - - - - - Greeting. We
Command you, That you summon - - - - - so that he be and
appear before our Justices - - - - - at - - - - - at
our Court of Common-Pleas, there to be held - - - - -
Day of - - - - - next, to answer the Complaint of - - - -
of a Plea, &c. - - - - - Witness - - - - - Esq;
- - - - - Day of - - - - - at - - - - -
in the - - - - - Year of our Reign.

The Defen-
dant not ap-
pearing the
Officer to cer-
tify the Court
that he has
summoned
him; and the
Plaintiff may
proceed to
Judgment &
Execution.

A N D if the Defendant in such Writ does not appear
at the Day of the Return thereof, but makes Default, and
the Officer to whom such Writ was directed, or his lawful
Deputy, doth certify to the Court, upon Oath or Affirma-
tion, that on or before the Day of the Return of such Writ
he hath summoned the Defendant (mentioning the Day he
did so) or left Notice in Writing of such Summons at the
House of the Defendant, in the Presence of one or more of
his Family or Neighbours, signifying that the Defendant
should be and appear according to the Contents of such
Summons; upon which Return, if the Defendant has been
so served ten Days, and the Plaintiff had filed his Declara-
tion in the Office of the Prothonotary within the Space of
five Days before the Court to which such Writ is returnable,
it shall be lawful to and for the Plaintiff in such Action to
file a common Appearance for the Defendant so making
Default, and proceed to Judgment and Execution by
Nihil Dicit.

Sundry Cases
where a Free-
holder may
be arrested,
and held to
special Bail,
the Plaintiff
making ap-
pear by Oath,
&c.

P R O V I D E D A L W A Y S, That nothing herein
contained shall exempt any Person from being arrested, or
shall debar any Person from taking out Writs of Arrest, if
the Plaintiff in every such Writ, or some-body for him,
doth make appear by Affidavit upon Oath or Affirmation
(which the Justice that grants such Writ is hereby impow-
ered and required to administer) testifying, That the
Defendant in the same Writ named hath signified his In-
tentions of going to Sea, or of removing out of this Province,
or

or lurks in secret Places, or conceals himself in his own or others House; or that the Defendant in such Writs hath refused or neglected, upon Demand, to give either real or personal Security for the Debt, or refused, without Process, to appear and put in special Bail to the Plaintiff's Action for the Debt or Cause for which he complains; or that the Defendant suffered himself to be arrested or Judgment to be entred against him; or made over his Lands or Chattels to others, or suffered them to be attached, and made no proper Defence to such Proceedings; or where the Plaintiff can make appear, from Records or otherwise, that so much of the Defendant's Estate is mortgaged, aliened, intailed, or liable to one or more Judgments suffered or ordered to be entred against such Defendant, so that the Value of his Fee-simple Estate, in Possession, clear of those and all other Incumbrances, will not (as the Deponent believes) be sufficient to satisfy the Debt demanded; or that the Defendant in such Writ hath not been a Resident in this Province for the Space of two Years, next before the Date of the same Writ: In all which Cases, Writs of Arrest shall be granted, and the Defendant held to special Bail, if the Case requires it; and the Justices that grant the same shall cause all the Affidavits they take, as above required, to be filed by the Clerk of the Court where such Writs are returnable.

BUT if any Freeholder exempted from Arrest by Virtue of this Act, shall happen to be taken by any Writ of Arrest, the Court where such Writ is depending shall forthwith, upon the Defendant's Motion, stay all further Proceedings against him till they examine his Circumstances, and if they find he is such as by this Act is intended to be exempted, the Court shall of their own Accord, abate the Writ, and allow the Defendant *Thirty Shillings* Cost, to be paid by him or them that procured such Writ, and for Non-payment thereof the Court shall grant an Attachment as in other Cases where a Rule of Court is not complied with.

Freeholders arrested within the Intent of this Act, the Writ to abate, and the Defendant allowed Costs

AND if any of the Justices or Clerks of the said Courts, or Practitioners at Law, shall condemn this Act, and wilfully proceed in the Premises, contrary to the Direction thereof, they shall be liable to answer, and be fined for the same at the Supreme-Court of this Province, any Sum not exceeding *Ten Pounds*.

Persons offending against this Act to answer at the Supreme-Court.

A former Act
of Summons
repealed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Act directing the Procefs of Summons against Freeholders, and every Article, Clause or Thing therein contained, shall be and are hereby repealed to all Intents and Purposes whatsoever.

C H A P. CCLXXI.

An ACT for continuing the Bounty upon Hemp. Supplied.

C H A P. CCLXXII.

Ratify'd and
confirm'd by the
King in Coun-
cil, the 27th of
March 1725.

An ACT prescribing the Forms of Declaration of Fidelity, Abjuration and Affirmation, instead of the Forms heretofore required in such Cases.

WHEREAS divers Statutes having been made, concerning the Affirmations or Declarations allowed instead of Oaths to the People called *Quakers*; but the Inconveniencies to them and others (requiring their Testimony and Service in many Cases) not being sufficiently avoided, by Reason of Difficulties which happened relating to the Forms of the Declaration, Affirmation and Abjuration prescribed by the said Statutes, it pleased the King and Parliament of *Great Britain* by another Statute (made in the eighth Year of the King's Reign) to grant further Ease and Relief in that Behalf, by enacting other Forms of Affirmation or Declaration for the said People. Now forasmuch as the Legislature of *Great Britain*, upon Five-and-twenty Years Experience, were pleased to acknowledge in the said Statute of the Eighth of King *George*, that the said People called *Quakers* had given Testimony of their Fidelity and Affection to his Majesty and the Settlement of the Crown in the Protestant Line, and had not abused the Liberty and Indulgence allowed them by Law; and since the like Testimony may be given concerning the said People inhabiting this Province, and that those that conscientiously scrupled the Forms of the Affirmation or Declaration heretofore used, are Persons of like Probity and Justice with those who were not under that Scruple, and should be obliged to bear the Burthen of Government, and serve their Country as well as their Neigh-

Neighbours, it would be reasonable to put them in a Capacity so to do; may it therefore please the Governor that it may be enacted, **AND BE IT ENACTED** by Sir WILLIAM KEITH, Bart. Governor of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That in all Cases where by Law any of the said People called *Quakers* is or shall be required or permitted to make and subscribe the Declaration of Fidelity, in the Form prescribed by the Statute made in the first Year of the late King William and Queen Mary, entituled, *An Act exempting their Majesties Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws*; or in the Form prescribed by any Law of this Province; or to make the solemn Affirmation or Declaration in the Form prescribed by a Statute made in the seventh and eighth Years of the said late King William, entituled, *An Act that the solemn Affirmation and Declaration of the People called Quakers shall be accepted instead of an Oath in the usual Form*; or in the Form prescribed by any Law of this Province; or to take the Effect of the Abjuration Oath in the Form prescribed by a Statute made in the first Year of the present King's Reign; every such *Quaker* shall, instead of such first-mentioned Declaration of Fidelity, make and subscribe a Declaration of Fidelity in the following Words, *viz.*

I A. B. do solemnly and sincerely promise and declare, That I will be true and faithful to King GEORGE; and do solemnly, sincerely and truly profess, testify and declare, that I do from my Heart abhor, detest and renounce, as impious and heretical, that wicked Doctrine and Position, that Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever: And I do declare, that no foreign Prince, Person, Prelate, State or Potentate hath, or ought to have, any Power, Jurisdiction, Superiority, Prebeminence or Authority, ecclesiastical or spiritual, within the Realm of Great Britain, or the Dominions thereunto belonging.

The Form of
Declaration
of Fidelity.

A N D instead of the solemn Affirmation or Declaration in the Form prescribed by the said Act of the seventh and eighth Years of the Reign of the late King William the Third, and by a Law of this Province, made in the first Year of King George, every such *Quaker* shall make the following solemn Declaration or Affirmation, to be administer'd by a Question put as followeth, *viz.*

D O S T

The Affirmation.

DO ST thou A. B. solemnly, sincerely and truly declare and affirm;

Adding the proper Words; which the Affirmant is to answer or assent unto, according as the Case or Occasion may require; which said Assent shall be expressed by the Affirmant's answering *Yea* or *Yes*.

AND instead of the Form prescribed by the said Act of the first Year of the present King's Reign, for the Effect of the Abjuration Oath, every such *Quaker* shall take the Effect thereof in the following Words, *viz.*

The Effect of the Abjuration Oath.

I A. B. do solemnly, sincerely and truly acknowledge, profess, testify and declare, that King GEORGE is lawful and rightful KING of the Realm of Great Britain, and of all others his Dominions and Countries thereunto belonging; and I do solemnly and sincerely declare, That I do believe the Person pretending to be Prince of Wales during the Life of the late King James, and since his Decease pretending to be and taking upon himself the Stile and Title of King of England, by the Name of James the Third; or of Scotland, by the Name of James the Eighth; or the Stile and Title of King of Great Britain; hath not any Right or Title whatsoever to the Crown of the Realm of Great Britain, nor any other the Dominions thereunto belonging. And I do renounce and refuse any Allegiance or Obedience to him; and I do solemnly promise, that I will be true and faithful and bear true Allegiance to King GEORGE, and to him will be faithful against all traiterous Conspiracies and Attempts whatsoever which shall be made against his Person, Crown and Dignity: And I will do my best Endeavour to disclose and make known to King GEORGE, and his Successors, all Treasons and traiterous Conspiracies which I shall know to be made against him, or any of them. And I will be true and faithful to the Succession of the Crown against him the said James, and all other Persons whatsoever, as the same is and stands settled by an Act, entitled, An Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown to the late Queen Anne, and the Heirs of her Body, being Protestants; and as the same by one other Act, entitled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, is and stands settled and intail'd after the Decease of the said late Queen, and, for Default of Issue of the said late Queen, to the late Princess Sophia, Electress and Dutches Dowager of Hanover, and the Heirs of her Body, being Protestants. And all these Things I do plainly and sincerely

sincerely acknowledge, promise and declare, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Renunciation and Promise, heartily, willingly and truly.

AND all Persons authorized or required to administer or tender either the said former Declaration of Fidelity, or the said former solemn Affirmation or Declaration, or the former Effect of the Abjuration Oath aforesaid, shall be and are hereby authorized and required to administer and tender the same respectively to the said People called *Quakers*, in the Words by this Act respectively appointed.

All which are allowed to *Quakers*.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Declaration of Fidelity, and the Effect of the Abjuration Oath appointed by this Act for the said People called *Quakers*, instead of the respective Forms prescribed for the same by the above-mentioned Acts, shall respectively be adjudged and taken to be of such and the same Force and Effect, and no other, to all Intents and Purposes, in all Courts of Justice, and elsewhere, as if such *Quakers* had made and subscribed the Declaration of Fidelity, or had taken the Effect of the Abjuration Oath in the respective Form appointed by the said recited Acts.

AND that the Affirmation or Declaration by this Act appointed to be made instead of the Affirmation or Declaration in Form prescribed by the said Act of the seventh and eighth Years of the Reign of the late King *William* the Third, and instead of the Form prescribed by the said Law of this Province, made in the first Year of the present King's Reign, shall be made by the said People called *Quakers*, as Occasion may require, whether it be for giving Evidence, or for qualifying the Affirmants to serve in General Assemblies, or to be Justices, Officers, Inquests or Jury-men, or for any other Matter, Cause or Thing whatsoever, wherein Oaths are or shall be required: And that the said Affirmation or Declaration, by this Act prescribed, shall be adjudged and taken, and is hereby enacted and declared to be of the same Force, and as available in Law to all Intents and Purposes as an Oath, in all Courts of Justice, and other Places where by Law an Oath is required.

Persons corruptly affirming to suffer as Perjurers.

AND if any Person making such Affirmation or Declaration, as is appointed by this Act to be made, instead of the Affirmation in the Form prescribed by the aforesaid Act of the seventh and eighth Years of the Reign of the late King *William* the Third, and instead of the Form prescribed by our said Law, made in the first Year of King *George's* Reign, shall be lawfully convicted of wilful, false and corrupt Affirming or Declaring any Matter or Thing, which, if sworn in the common or usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending, shall incur and suffer such and the same Pains, Penalties and Forfeitures, as are inflicted or enacted by the Laws and Statutes of *England*, against Persons convicted of wilful and corrupt Perjury.

PROVIDED ALWAYS, That nothing herein contained shall be deemed to repeal or dilanul the Law of this Province, passed in the Fourth Year of the King's Reign that now is, entituled, *An Act for the Advancement of Justice, and more certain Administration thereof*, except such Part thereof concerning which other Provision is made by this Act.

PROVIDED ALSO, That this present Act shall not be put in Execution until the King's Pleasure be known concerning the same.

NEVERTHELESS IT IS HEREBY ENACTED AND DECLARED, That the said Statute made in the eighth Year of the present King's Reign, entituled, *An Act for Granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under*, shall be duly observed and put in Execution in this Province, and be of like Force and Effect as it is in *England*, and as if the same were here repeated and enacted.

C H A P. CCLXXIII.

An ACT for the better securing the City of Philadelphia from the Danger of Gun-Powder.

FORASMUCH as the City of *Philadelphia* is destitute of any Magazine, or other suitable Repository for the safe-keeping of Gun-Powder, which being a Commodity of good Consideration in the Trade of this Province, the Merchants and Traders are frequently reduced to the Necessity of keeping it on Ship-board within the Port of the said City, or to deposite the same in Stores or Shops, too often within the Access of Sailors and Servants, to the manifest Danger of the People of the said City in their Persons and Estates: And forasmuch as *William Chancellor*, of the said City, Sail-maker, by the Recommendation of divers of the Magistrates as well as Merchants, and others of the said City, hath undertaken to build a suitable Powder-House or Store for the Receipt of of all the Gun-Powder which shall or may be imported into the said City, on a Piece of Ground he lately purchased from *Daniel Pegg*, lying near the North-End of the said City, adjoining to a Swamp on the South-Side, and upon the King's High-Road on the East-End thereof, **BE IT THEREFORE ENACTED** by Sir **WILLIAM KEITH**, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said *William Chancellor*, his Heirs, Executors or Assigns shall, at his and their proper Costs and Charges, cause to be well erected and built, a good, substantial, tight and secure Powder-House, or Store for Gun-Powder, of Brick or Stone, on the Piece of Ground aforesaid, within three Months next ensuing the Publication of this Act; to be well boarded and covered, and so fit and capacious as may reasonably be expected will contain all the Gun-Powder to be from time to time imported into the said City: Wherein he the said *William Chancellor*, his Executors and Assigns, shall lay up and store all the Gun-Powder to be from time to time imported or brought into the said City, which shall come to his or their Receipt pursuant to the Direction of this Act; and for which he and they shall be accountable to the Owners or Deliverers thereof (Lightning, and other unavoidable

William Chancellor appointed to build a Powder Store within three Months.

And to store all Gun Powder, and be accountable for the same:

And attend daily. unavoidable Accidents excepted) And shall also cause daily Attendance to be given at the Powder-Store aforesaid, betwixt the Hours of Nine and Eleven in the Morning, and One and Three in the Afternoon, for Delivering out the said Commodity, and also at all Times, on due Notice given, for Receiving thereof, at the nearest and most convenient Landing to the said Lot of Ground; and immediately upon his receiving into his Custody any Quantity of Powder as aforesaid, he shall pass his Receipts in Writing for the same, expressing the Quantity of Powder, and describing the Marks and Numbers of the Cask.

AND BE IT FURTHER ENACTED

No Person to keep in their Houses above 12 lb. of Gun-Powder, on Penalty, &c. by the Authority aforesaid, That no Person whatsoever within the Precincts of the City of *Philadelphia* aforesaid, nor within two Miles thereof, shall, from and after the Time the Powder-Store aforesaid is so erected and finished, presume to keep in any House, Shop, Cellar, Store or Place of the said City, nor within two Miles thereof, other than the Powder-Store aforesaid, any more or greater Quantity, at any one time, than twelve Pounds of Gun-Powder, under the Penalty of *Ten Pounds*, for every Offence. And whatsoever Master, Merchant, or other Person trading or bringing into the said Port any Gun-Powder (other than such as shall be specially licensed in that Behalf by the Governor of this Province for the time being, or shall be commissioned by the King's Majesty, or other Authority under the Crown of *Great Britain*) shall not within the Space of Forty-eight Hours from his first Arrival and coming to Anchor there, upon due Notice given him of the Purport of this Act by the said *William Chancellor*, or his Assigns, or any of his or their Deputies or Servants, deliver all the Powder so brought into the said Port aforesaid unto the said *William Chancellor*, his Executors or Assigns, he shall forfeit the like Sum of *Ten Pounds*, for every such Offence.

Every Captain, &c. shall deliver his Powder, on Penalty, &c.

AND BE IT FURTHER ENACTED

The Price of Storage per Month. by the Authority aforesaid, That the said *William Chancellor*, his Executors and Assigns, shall have and receive for Storage for Gun-Powder, at the Powder-Store aforesaid, *Twelve Pence per Barrel per Month*, and so proportionably for Half-Barrels, and other Cask, for the first six Months; and *Six Pence per Barrel per Month*, and so proportionably for Half-Barrels, and other Cask, for every Month any of the said Powder remains in the said Store above six Months; and

and likewise shall have and receive for every twelve Pounds, or lesser Quantity, to be delivered at one time, *Six Pence*, over and above the said Storage.

PROVIDED ALWAYS NEVERTHELESS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That what Quantity of Powder soever of the Ship's Store of any Vessel, shall be so as aforesaid delivered to be kept at the said Powder-Store, and shall be re-demanded back again in order for its Exportation out of this Province, the said *William Chancellor*, his Executors or Assigns, shall cause the same to be re-delivered at the nearest and most convenient Landing to the Powder-Store, without exacting any other Perquisite for such Re-delivery than what is herein before allowed for Storage. And if the said *William Chancellor*, his Executors or Assigns, shall neglect to give due Attendance at the Powder-House aforesaid, as is herein before directed and appointed, or shall take or exact greater or larger Sum or Sums of Money for Storage and Delivery of said Powder than is herein before limited and appointed, he or they so offending shall, on due Proof thereof made by one or more credible Witnesses, before any one Justice of the Peace of the City or County of *Philadelphia*, forfeit and pay for every such Offence such Sum of Money as the said Justice shall think fit to award, not exceeding the Sum of *Thirty Shillings*, for any one Offence.

Provide

Penalty on his not giving Attendance, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and singular the Penalties and Forfeitures arising by this Act (excepting those under *Forty Shillings*) shall be recovered in any Court of Record in this Province, by Bill, Complaint or Information, wherein no Essoign, Protection or Wager of Law, nor any more than one Imparance shall be allowed; the one Moiety of which Forfeitures and Penalties shall go to the Governor, for the Support of this Government, and the other Moiety thereof to the Informer or Prosecutor who shall sue for the same.

How the Penalties are to be recovered and applied.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Clause in an Act of Assembly of this Province (entituled, *An Act for preventing Accidents that may happen by Fire in the Town of Bristol, formerly called Buckingham, Philadelphia, Germantown, Derby, Chester, New-Castle and Lewes, within this Government*)

A Clause in the former Law repealed.

enacting that no Person within the Town of *Philadelphia*, within six Months next following the Publication of the same Act, presume to keep in their Houses, Shops or Warehouses, more than six Pounds of Gun-Powder at one time, unless it be forty Perches distant from any Dwelling, under the Penalty of *Ten Pounds*, for every such Offence, is hereby repealed and declared to be null, void and of none Effect; and that this present Act shall continue in Force for and during the Term of Twenty-one Years, and no longer.

This Law to
continue 21
Years.

C H A P. CCLXXIV.

See before Chap.
56. & hereaf-
ter 8 Geo. II.
Chap. 328.

An ACT for the better preventing Obstructions to the Navigation of Chester Creek, and other navigable Creeks and Rivers in this Province.

Preamble.

WHEREAS in the Year *One Thousand Seven Hundred*, it was thought necessary, for the better Accommodation of the Borough of *Chester*, in the County of *Chester*, and the Inhabitants of the lower Parts of the said County, as well as Travellers, that the King's High-Road should be alter'd and brought nearer to the River, to pass through the said Borough with a Bridge over the said Creek there; and thereupon, in Consideration of the Owners of Lands, and especially of the Mills situate on the said Creek above the said Borough, which had been erected at great Charge, and required the same to maintain and support them for the Benefit of Trade, an Act was passed in the said Year that the Road should be laid out as aforesaid through the said Borough, and a Draw-bridge should be there built, and that a Person should attend the same to draw it up, that Sloops and Shallops might pass to and from the said Mills; and also, that for the Conveniency of Rafts of Logs passing to the said Mills the Space of twenty Foot at least should be left clear between the Timber or Stone-Work; which Draw-bridge was accordingly erected, but now is gone to Decay, and requires to be rebuilt or repaired: **T H E R E F O R E** **B E I T E N A C T E D** by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Commissioners for the
time

time being appointed for the said County of *Chester* shall cause the said Draw-bridge to be rebuilt or repaired within the Space of twelve Months, next after the Publication hereof, according to the Dimensions in the said recited Act, and from time to time shall cause it to be continued in Repair for the Accommodation of the said Mills, and of the Owners of Lands, and Inhabitants on the navigable Parts of the said Creek above the Borough aforesaid, and also for the Accommodation of all such Persons as have Occasion to pass and repass with any Mast-Vessel through the said Bridge; who are hereby obliged carefully to raise and lower the said Draw-bridge, so as the same may receive no Damage thereby, under the Penalty of *Five Shillings*, for every Neglect or Offence therein.

Commissioners to cause a Draw-bridge to be built within one Year.

The Person going thro' obliged to raise & lower the Bridge, on Penalty, &c.

AND WHEREAS the erecting of Bridges over Creeks or Rivers of Water, to the Obstruction of their Navigation where navigable, doth not only affect the Interest of the Owners of Land upon and near navigable Waters above those Bridges, but also the Trade of this Province in general: And the better to preserve the Navigation of those Rivers and Creeks, divers Laws of this Province have from time to time been enacted; but the same, upon Experience, have been found not fully to answer the Ends thereby intended; BE IT THEREFORE ENACTED by the Authority aforesaid, That no Bridge, Frame or Device whatsoever shall at any time to come be made, erected, upheld, sustained or repaired, over any Creek or River within this Province navigable for any Sloop, Shallop, Flat or other Craft, that shall or may anywise stop or hinder the Navigation of any such Sloop, Shallop, Flat, or other Craft, or Floats of Logs; any Law, Custom or Usage to the contrary thereof in anywise notwithstanding.

No Bridge to be built or repaired on navigable Creeks, that may hinder Navigation.

PROVIDED ALWAYS, That nothing herein contained shall be deemed or construed to forbid or hinder the Maintaining and Repairing the Draw-bridge herein before particularly mentioned, or any other Bridge erected by publick Authority; or the making of Dams, Mounds or Tide-Banks for the Draining of low Grounds, and improving of Meadows, by the Owners or Owner of the greater Part of the Lands, low Grounds or Meadows included within the same Dams, Mounds or Tide-Banks; any thing herein contained to the contrary in anywise notwithstanding.

Except.

ANNO REGNI
 GEORGIN
 REGIS
 DUODECIMO.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Twelfth Year of the Reign of our Sovereign Lord GEORGE, King of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Twenty-five, and continued by Adjournments until the Twenty-fifth Day of *August* One Thousand Seven Hundred and Twenty-six, in the Thirteenth Year of his Majesty's Reign: The following ACTS were passed by Sir WILLIAM KEITH, Bart. Governor of the said Province, *That is to say*,

C H A P. CCLXXV.

An ACT for the Re-emitting and continuing the Currency of such Bills of Credit of this Province as by former Acts are directed to be sunk and destroyed, and for the Striking and Making current 10,000 l. in new Bills, to supply those that are torn and defaced.

WHEREAS by an Act of General Assembly of this Province, passed in the ninth Year of his present Majesty's Reign, Bills of Credit of 15000*l.* Value were struck and emitted; which being found to fall short of a Medium in Trade, and to supply the Exigencies of such as had Occasion to borrow upon Securities prescribed by the same Act; and to provide for the Support of of this Government, therefore, by one other Act passed in the tenth Year of his said Majesty's Reign, Bills of Credit of 30,000 *l.* Value were also struck and emitted. **AND** WHEREAS the annual Sinking and Destroying the said Bills, pursuant to the same Acts, hath already considerably reduced the Quantity of this Currency; and the Bills themselves (more especially of the lesser Denominations) daily impairing, many of them are scarce fit to pass; which Inconveniencies increasing, will shortly reduce the People of this Province to great Straits and Difficulties, unless some proper Remedy be provided; Therefore may it please the Governor that it may be enacted, **AND BE IT ENACTED** by Sir WILLIAM KEITH, Baronet, Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the Province aforesaid, in General Assembly met, and by the Authority of the same, That such yearly Quotas or Payments, Parcel of the principal Sums emitted in Bills of Credit of this Province, pursuant to the Direction of the said Acts respectively, and such other principal Sums which by Virtue thereof, or of any Mortgage-Deed or Assurance thereby directed to be taken, are, shall or may be paid, recovered or received from time to time, from and after the 17th Day of *January* 1725, and before the 16th Day of *January* 1731, shall not be sunk or destroyed; nor shall any Part or Parcel of any such Quotas or principal Sums in Bills of Credit, payable within the Space aforesaid unto the Trustees, nominated or to be nominated pursuant to the

No Part of the annual Quotas, or Parts of the principal Sums formerly lent, to be sunk or destroyed, &c.

Trustees shall not be culpable for not sinking the same.

Direction of those Acts, be sunk or destroyed as the same Acts or either of them direct ; nor shall the said Trustees, or any of them, nor any other Person, be culpable for not Sinking or causing to be sunk or destroyed any Bills of Credit which they are by the same Acts respectively directed to sink or cause to be sunk or destroyed.

Clauses of the two former Acts relating to sinking the Quotas, are repealed.

THEREFORE BE IT FURTHER ENACTED by the Authority aforesaid, That neither the said Trustees appointed by the two Acts aforesaid, nor any of them, nor any other Person or Persons whatsoever, shall presume to sink or destroy any of the said Bills of Credit, otherwise or at any other time than is by this Act particularly directed and appointed ; nor shall any of them or their Sureties, nor the Heirs, Executors or Administrators of any of them, suffer any Penalty, Forfeiture or Loss for not Sinking or Destroying the said Bills of Credit according to the Tenor and Direction of either of the said two Acts made for emitting the same, but that every such Part and Parts, Clause and Clauses of the said two Acts as are hereby altered, or concerning which any other Provision is made by this Act, and so much of those Acts as doth or may concern or relate to the Sinking of the said Bills, and the Oaths or Affirmations required, administered and taken by the said Trustees for discharging their said Trusts, together with the said Oaths and Affirmations themselves, shall be and are hereby repealed, utterly abrogated and made void to all Intents and Purposes whatsoever ; any Law or Usage to the contrary in anywise notwithstanding.

Which Quotas, &c. shall be re-emitted by the Trustees.

BUT the same yearly Quotas and principal Sums in Bills of Credit so to be paid in unto and received by the said Trustees, or any of them, within the time before limited, whether payable by the Provincial or any of the County Treasurers, or by the Mayor or Treasurer of *Philadelphia*, or by any Mortgager or Persons whatsoever, and every Part and Parcel of the same Sums, shall from time to time be re-emitted by the Trustees of the General Loan-Office of the Province of *Pennsylvania*, for the time being, upon Loans, as herein after mentioned and appointed.

The respective Treasurers, &c. are to bring in their Quotas, &c.

AND IT IS HEREBY PROVIDED AND ENACTED, That the said Treasurers, and Mayor of *Philadelphia* aforesaid, are hereby required to pay such of the yearly Quotas and Sums as by the said Acts they are directed to pay within the time aforesaid, unto the

the said Trustees, and none other ; who are hereby required to give their Receipts for the same, which Receipts shall be sufficient Discharges in the Law ; the same Acts or any thing therein contained to the contrary notwithstanding.

AND that all the yearly Quotas or Parcels of the principal Sums, arising upon those Re-emissions, which shall be paid into the General Loan-Office of the Province of *Pennsylvania*, on or before the 16th Day of *January* 1731, shall, by the Trustees thereof, for the time being, be re-emitted again on Securities as aforesaid ; and so from time to time, until all principal Monies anyways accruing, that shall be paid unto them on or before the 16th Day of *January* 1731, shall be wholly re-emitted.

The subQuotas, arising by Re emissions, to be re-emitted, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Trustees of the General Loan-Office aforesaid shall lend out the Value of all the Bills of Credit that they shall receive to be re-emitted, as before in this present Act directed, in Sums not exceeding 100 *l.* nor less than 12 *l.* 10 *s.* to any one Person, for and during all the Rest and Residue of the twelve Years and a half, in the said recited 30,000 *l.* Act limited, commencing from the Times of the same respective Loans by this present Act ; to be made upon Securities of Messuages, Lands, Tenements, Rents and Hereditaments in this Province, of which the respective Mortgagers stand seized in Fee-simple, clear of Incumbrances (the Proprietary's Quit-Rents, and other Rents discovered to the said Trustees, issuing out of the same Securities, excepted :) Of which Title and Clearness the said Trustees are to inform themselves the best they can, and to observe the same Directions in the Valuation thereof, and in proportioning such Valuation to the Sums requested to be lent, as the same 30,000 *l.* Act before recited directeth, upon Loans thereby made : Whereupon the said Trustees, in Pursuance of the Trust hereby committed to them, shall, in the Name and Stile of the Trustees of the General Loan-Office of the Province of *Pennsylvania*, and not otherways, take and receive Deeds of Mortgage in Fee-simple of such Messuages, Lands, Tenements, Rents or Hereditaments as aforesaid, for securing the Re-payments of the Sums they lend, to be made yearly and every Year of the Remainder of the twelve Years and a half aforesaid, by even and equal annual Payments, and so proportionably for the Part or Parts of a Year, as Occasion may happen, together with the whole Interest

All which Sums shall be lent on good Security, &c.

at the Rate appointed by the said Acts. Which Deeds executed and acknowledged, or proved as herein after mentioned, shall transfer the Possession and vest the Inheritance to and in the Trustees of the General Loan-Office aforesaid and their Successors in Trust, in the same Manner and Form, and as fully and effectually as the said 30,000 *l.* Act transferreth and vesteth the Possession and Inheritance of and in Lands and Hereditaments thereby mortgaged; and the Words, *grant, bargain and sell*, in the Mortgage-Deeds hereby directed to be taken, shall amount unto and be construed and adjudged of the same Virtue, Force and Effect, to all Intents, Constructions and Purposes in the Law whatsoever, as the Words *grant, bargain and sell*, are in the same 30,000 *l.* Act mentioned and intended to be of, and that as fully and effectually as if here again particularly repeated and expressed.

Each Mort-
gager to give
Bond, &c.

AND that the said Trustees of the General Loan-Office, as such, and in Pursuance of the Trust hereby committed to them, shall also receive and take of each Mortgager, together with his Mortgage-Deed, an Obligation and Warrant of Attorney, with a Release of Errors, in the same Warrant inserted, under his Hand and Seal, duly executed; the Obligation in double the Sum borrowed, and conditioned for Payment of the Mortgage-Monies, according to the Proviso or Condition of the Mortgage-Deed; and the Warrant of Attorney authorising and empowering such Person or Persons as the said Trustees shall direct, therein to be nominated for that Purpose, to acknowledge or suffer Judgment; which Judgment the said Trustees for the time being are hereby required to cause their Attorney to enter against such Mortgager as shall make Default in Payment of the Mortgage-Money, or any Part thereof, in the like Manner and Form, and as fully and effectually as the said 30,000 *l.* Act directeth to be entered against such Defaulters, in the Sense of the same Act to all Intents and Purposes.

The Mort-
gager's Oath, &c.
to be indorsed
on the Mort-
gage-Deed.

ON every of which Deeds of Mortgage shall be indorsed the Mortgager's Oath or Affirmation, which the said Trustees, or any one of them, is hereby empowered and required to administer. Which shall be of the same Tenor, Form and Efficacy, and have the same Exceptions as the said 30,000 *l.* Act prescribeth Borrowers of the Sums thereby emitted on Securities.

AND

AND the same Mortgage-Deeds (for the better Preservation of Securities hereby directed to be taken) being so executed as aforesaid, and acknowledged by the Mortgager, or proved by two of the Witnesses to the Execution thereof, before any Justice of the Peace of any County of this Province, shall be entered at large, in Books of Royal or other large Paper, well covered or bound, to be provided and kept by and at the proper Charge of the Trustees; which Deeds so entered shall be and are hereby declared to be Matter of Record, and an attested Copy of any such Entry, certified under the Hands of the said Trustees for the time being, or any three of them, shall be and is hereby declared to be good Evidence to prove the Sale or Mortgage thereby mentioned to be made, and the same may be shewed, pleaded and made use of accordingly.

The Mortgage-Deed to be proved, & then recorded.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That each Payment of Mortgage-Monies inserted in any Mortgage-Deed hereby directed to be taken, being paid, the Trustees, or any of them, shall indorse on the Deed a Receipt for the same, under his or their Hand, and so from time to time until the whole Sum lent, with the Interest accruing, be fully paid and satisfied; and upon full Payment and Satisfaction (which the Mortgager, his Heirs, Executors or Administrators, may make of the principal Sums lent, at any time before Forfeiture and Sale of the mortgaged Premises, with Interest to the time of such Payment at the Rate aforesaid) the Mortgage shall be released and delivered by the Mortgagees thereof; from which Time the Lands and Hereditaments so mortgaged shall be forever acquitted and discharged, and the Mortgagees shall thereupon make an Entry in the Margin of the Inrollment of such Mortgage-Deed, of the Day and Time of such Release and Discharge, for which there shall be paid by the Mortgager the Sum of *Six Pence*, and no more; an attested Copy of which Entry, certified by the Trustees of the said General Loan-Office, or a Majority of them, shall be as valid and effectual as their Reconveyance of the mortgaged Premises made and executed in due Form of Law may or can be, to the Mortgagees, their Heirs and Assigns respectively.

Trustees Receipt to be indorsed for each Payment.

PROVIDED ALWAYS, That until some Default shall be made in Payment by the respective Mortgagees, it shall be lawful for them, and their Heirs, to hold and enjoy the mortgaged Premises, with the Appurtenances;

Premises to be held by the Mortgager till Default in Payment.

the Mortgage-Deeds, or any thing therein to contrary notwithstanding.

Upon Default
how the Trus-
tees are to
proceed as in
the 30,000 l.
Act.

BUT if any Default shall be made or suffered of or in Payment of any of the yearly Sums herein before-mentioned, whether in Part of Principal or Interest, which any of the Mortgagers (by this present Act) their Heirs, Executors, Administrators or Assigns, should or ought to have paid at any of the Days, Time or Place in and by their respective Mortgage-Deeds to be particularly specified, then and so often, and in any such Case, it shall and may be lawful for the said Trustees, for the time being, at their Discretion, to take their Remedy, and proceed for Recovery of the Mortgage Monies, according to the Provisoes or Conditions in the Mortgage-Deeds respectively contained; or by any such Ways or Means as are particularly directed in and by the said 30,000 l. Act, for Recovery of Sums thereby emitted, with and under all and singular the like Provisoes, Conditions and Limitations thereby directed, as if the same were here again particularly enumerated and expressed. And the Sales and Assurances by this Act to be made, shall be of the same Force and Effect to the Purchasers, and as valid and conclusive against all other Persons, as any Sale by that Act directed to be made, may or can be, to all Intents and Purposes in the Law whatsoever.

Bills to be
printed under
the Care of
the Trustees.

AND BE IT ENACTED by the Authority aforesaid, That indented Bills of Credit, to the Value of 10,000 l. current Money of *America*, according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen *Anne*, referred to by the said two Acts, with Counterparts of the same Bills, shall be prepared and printed before the 25th Day of *March* next ensuing, on good Paper; under the Care and Direction of the Trustees of the said General Loan-Office, but at the Charge of the Province, to be paid by the said Trustees or by the Provincial-Treasurer by their Order.

Denominati-
ons of the said
Bills.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Bills shall severally contain therein the Sums hereafter respectively mentioned, and no other; That is to say, *Nine Thousand* of the same Bills, the Sum of *One Shilling* in each of them: *Ten Thousand* of the same Bills, the Sum of *One Shilling and Six Pence* in each of them: *Three Thousand* of the same Bills the Sum of *Two Shillings* in each of them: *Eight Thousand* of

of the same Bills, the Sum of *Two Shillings and Six Pence* in each of them: *Twenty Thousand* of the same Bills, the Sum of *Five Shillings* in each of them: And *Five Thousand* of the same Bills, the Sum of *Ten Shillings* in each of them. And the said original Bills shall have the same Arms impressed thereon, and be of the same Tenor and Form, as original Bills of the Denominations respectively are directed and appointed to be of by the said recited *Thirty Thousand Pound Act*; save only the Difference in the Date, and Names of the Signers thereunto subscribed.

AND that all and singular the Bills which shall be made and issued in Pursuance of this present Act, and all and singular other the Bills of Credit of this Province, issued in Pursuance of the said recited Acts of Assembly respectively, which hitherto remain unsunk, shall in all Respects have the same Currency, and be of the same Effect in Law and Equity, with respect to Payments, Tenders, or bringing the same into Court for Performance of any Contract, Bargain or Promise whatsoever, and to all other Intents and Purposes, as any other Bills of Credit emitted by Virtue of the said *Thirty Thousand Pound Act* may, can or ought to have and be of.

AND that Persons offering to sell Goods or Chattels, Lands or Tenements, or refuse to sell, or ask a greater Value for the same, unless paid in Silver, Gold or other Specie whatsoever, and not in the Bills of Credit made current by this present and those former Acts, or any of them, shall incur the same Penalties as Persons in the like Cases ought to incur by the said *Thirty Thousand Pound Act*.

Persons undervaluing the said Bills, to incur the same Penalties as per said 30,000*l.* Act.

AND that whatsoever Person or Persons shall presume to forge or counterfeit any of the said Bills of Credit, issued in Pursuance of this present or either of the said former Acts; or shall be Aiding or Assisting therein, or shall enlarge the Value or Sum expressed in any of the said Bills, or shall utter or cause to be uttered or offered in Payment any such Bill or Bills, knowing the same to be actually forged, counterfeited, or the Sum or Value therein altered, with an Intent to defraud any other Person, he, she or they so offending, and being thereof legally convicted, shall, for every such Offence, incur and suffer the same Pains and Penalties respectively, as Forgers or Counterfeiters of Bills are by the said *Thirty Thousand Pound Act* directed to incur and suffer. And the Discoverer or Prosecutor, by Virtue

Counterfeiters to suffer as per 30,000*l.* Act.

The Discoverers Reward

of this present Act, shall be paid and satisfied his Damages, with Costs and Charges of Prosecution, in like Manner as the Discoverer and Prosecutor by Virtue of the same *Thirty Thousand Pound Act* is or ought to be paid and satisfied. And that no Suit or Prosecution whatsoever to be commenced or brought against any Person or Persons, in order to recover any of the said Penalties, be stay'd before Judgment or Conviction.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That each of the said new Bills, to be made by Virtue of this Act, shall be signed and numbered by the Persons hereby appointed Signers of the same Bills: (*to wit,*) *Evan Owen, John Wright and Thomas Trefse.* And if any of the said Signers shall happen to die, or be rendered incapable of doing his Duty required by this Act, the Assembly, for the time being, shall appoint other Persons to supply such Deficiencies from time to time until all the Bills to the said Value of *Ten Thousand Pounds* shall be signed, and together with their Counterparts numbered and delivered as this Act directs.

The Signers
Names; and
how to be sup-
plied in Case
of Death, &c.

Their Quali-
fications.

BUT before any of the Persons before nominated or hereafter to be appointed Signers of Bills of Credit, by Virtue of this Act, presume to act therein, they shall take an Oath or Affirmation before any one Justice of the Peace of the City or County of *Philadelphia*, who is hereby impowered and required to administer the same, charging them jointly and severally that they will well and truly sign and number the said original Bills of Credit; and number their Counterparts that shall come to their Hands for that Purpose by the Direction of this Act; and the same so signed and numbered will deliver or cause to be delivered to the Trustees of the General Loan-Office of this Province, pursuant to the Directions of the same Act.

How the Tru-
stees are to
deliver the
Bills to be
signed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees, within ten Days after the said new Bills and Counterparts are prepared and deposited with them, as by this Act is directed, shall deliver out, at the Place where they keep the said Loan-Office, the Value of *One Thousand Pounds*, out of the said *Ten Thousand Pounds*, to the Signers hereby appointed; who having signed and numbered the original Bills so delivered them, and truly numbered the Counterparts thereof, shall immediately re-deliver them to the said Trustees,

Trustees, who shall thereupon give their Receipts for the same.

AND after the said Bills, to the Value of *One Thousand Pounds* aforesaid, are exchanged by the said Trustees as this Act directs, then the Trustees of the said Loan-Office for the time being, shall, within ten Days next after, deliver out at their said Office, to the Signers of Bills for the time being, the further Value of *One Thousand Pounds* more of the said *Ten Thousand Pounds*: Who having signed and numbered the original Bills so delivered them, and numbered the Counterparts thereof, shall immediately re-deliver them to the Trustees; who shall thereupon give their Receipts as aforesaid; and so from time to time till the whole Value of the said *Ten Thousand Pounds*, by delivering, signing, numbering and re-delivering *One Thousand Pounds* Value at a time, shall be exchanged as this Act directs; and the said Counterparts so numbered and re-delivered as aforesaid, shall be kept by the said Trustees for trying the Truth of their Originals when there shall be Occasion.

AND the said Signers shall cause to be kept a true Account of all the Bills they so respectively sign and deliver as aforesaid. And for their Care and Trouble required of them by this Act, the Signers of each *Thousand Pounds* Parcel shall receive *Three Pounds* a-piece, in six Days after their Delivery thereof, with their Counterparts, as above directed; to be paid by the Trustees for the time being unto each Signer, his Executors, Administrators or Assigns.

The Signers
Reward.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees shall be stiled, as heretofore, *The Trustees of the General Loan-Office of the Province of Pennsylvania*; and shall have Succession, and the same Capacities and Powers for putting this present and those two other Acts in Execution, to all Intents and Purposes, as in the said *Thirty Thousand Pound Act* is contained and settled, for putting the same in Execution: Subject nevertheless, to all and singular the Provisoos, Alterations, Limitations and Restitutions, in and by this present Act provided and enacted.

Trustees Stile,
Succession,
&c.

AND IT IS HEREBY FURTHER PROVIDED AND ENACTED, That every Article, Clause and Sentence in the said two former Acts respectively (except such Clauses and Parts thereof as are

The two former Acts confirmed, except, &c.

hereby altered, supplied, or concerning which other Provision is hereby made) shall be and are hereby declared and enacted to be of full Force and Virtue in the Law.

Trustees shall
give Bond, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That before any of the said Trustee or Trustees, for the Time being, shall be in or enter upon the Execution of the Trust by this Act required, they shall, each of them, enter into a Bond to the Provincial-Treasurer of this Province, for the time being, in the Penalty of *Five Hundred Pounds*, conditioned for the due Observance of all Things required of him, in Performance of the Trust reposed in him by this present Act; and shall each of them also make Oath or Affirmation before any Justice of the Peace of the City or County of *Philadelphia*, who is hereby impowered and required to administer the same; That, to the best of his Skill and Knowledge, he will faithfully, impartially and truly demean himself in the Discharge of the Trust committed to him by this present Act; as also, in the Discharge of the remaining Part of the Trust committed to him by the said two recited Acts, so as none may be prejudiced by his Consent, Privy or Procurement.

The time
they are to
give Atten-
dance, &c.

AND that the said Trustees assuming upon themselves the Execution of the Trust by this present Act required of them, shall be allowed for their Service and Trouble therein at and after the Rate of *Twenty Pounds per Annum* each, added to their Salaries hereafter accruing by the said former Acts, payable to each of them in Bills of Credit of this Province, for and during the Continuance of the said *Thirty Thousand Pound Act*: And that they the said Trustees, or any two of them, shall duly attend at the said Loan-Office the first third Day of the Week called *Tuesday*, in the Months called *March, May, July, September, November* and *January*, yearly, for receiving the Sums to be paid in pursuant to this and the said two former Acts respectively, and for emitting the Sums to be lent by the Direction of this present Act, until all the Quotas to be paid in, pursuant to this and the said former Acts, be re-emitted; and afterwards at such Times as the Trust and Service of the Publick may require them, during the Continuance of the said *Thirty Thousand Pound Act*: And that the said Trustees, or one of them, or some other Person under their Direction, and for whom they shall be accountable, shall duly attend at the Place where the said Office is kept, on the

the first fourth Day of the Week, called *Wednesday*, in every Month, then and there to deliver out new Bills of the *Ten Thousand Pounds* Value hereby directed to be struck, to such Persons as demand them in Exchange and in Lieu of such torn and defaced Bills as the said Trustees, or any of them, shall judge to be genuine Bills of this Province, and of equal Value with those they so give in Exchange, until the whole *Ten Thousand Pounds* Value aforesaid be wholly exchanged: Which torn and defaced Bills, being kept by the said Trustees, shall by them be produced for their Vouchers to discharge themselves of the *Ten Thousand Pounds* aforesaid, before any Committee of Assembly, to be appointed Auditors of the said Trustees Accounts; who shall thereupon cause the said torn and defaced Bills to be sunk and destroyed.

AND that the Clerk herein after appointed, shall, once a Year, make out a List of the Securities by this Act directed to be taken, containing the Persons Names to whom the Sums are lent, and the Times when; and the same Lists shall submit and deliver to the Assemblies of this Province for the time being, from time to time, until all the Sums hereby directed to be emitted be wholly comprehended and delivered.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That any Committee of Assembly of this Province, being appointed Auditors of Accounts of the said Trustees, the same Auditors for the time being shall, once in every Year, or oftner, call the said Trustees to Account for all the Monies in Bills of Credit they shall receive, recover and pay, exchange or emit in Pursuance of this Act, and all the Interest to be received upon Securities hereby directed to be taken (whether the same Interest accrue on or before the said sixteenth Day of *January*, Anno Domini 1731, or afterwards) being accounted for, and the Salaries and Charges allowed by this Act Act being deducted, they the said Trustees shall dispose thereof as the Assemblies of this Province shall from time to time order and direct.

A Committee of Assembly to be Auditors of the Trustees Accounts.

AND that all the yearly Quotas or Parcels of the principal Sums which shall or ought to be paid in into the said Loan-Office aforesaid, at any time after the said 16th Day of *January* 1731, remaining in the Hands of the Trustees thereof for the time being, shall, within ten Days after

The Quotas of all principal Sums paid in after 1731, to be sunk and destroyed.

after every such Audit, be sunk and destroyed by and in the Presence of the same Auditors respectively, they having first compared the original Bills with their Counterparts, as they shall have Occasion, and entered the Numbers and Value of each Bill so destroyed, into a Book to be kept for that Purpose.

AND BE IT FURTHER ENACTED

Charles Brockden nominated Clerk of the Loan-Office.

by the Authority aforesaid, That *Charles Brockden*, of *Philadelphia*, shall be and is hereby nominated and appointed to be Clerk of the General Loan-Office hereby erected, during the Continuance of this Act, to advise and assist the Trustees thereof, in and about the Titles aforesaid, and for the devising and preparing of the Mortgage-Deeds and Writings of the Mortgagers herein before directed to be given, and for Recording of the same Mortgage-Deeds. And in case of the Removal of the said *Charles Brockden*, by Death or otherwise, the said Trustees for the time being shall appoint a fit Person to supply his Place, and so from time to time during the Continuance of this Act, as often as there shall be Occasion: Which Persons so to be nominated, shall thereupon act in that Station until the General Assembly of this Province for the time being disapprove such Appointment, by nominating another in his Stead; any Law or Usage to the contrary notwithstanding. And that the said Clerk, for his Trouble, Care and Diligence, shall have and receive of every Mortgager, the like Fees and Perquisites as the said *Thirty Thousand Pound Act* specifieth and directeth to be paid in like Cases, to the Clerk thereby directed to be chosen. But before the Person hereby nominated or hereafter to be elected Clerk aforesaid, shall enter upon the Execution of his Duty aforesaid, he shall enter into Bond to the Provincial-Treasurer for the time being, in the Penalty of *Five Hundred Pounds*, conditioned for the due Observance of all Things required of him by this Act; and shall also take an Oath or Affirmation before any one Justice of the Peace of the City or County of *Philadelphia*, who is hereby impowered and required to administer the same; That he shall truly and faithfully perform and execute the Office and Duty that is directed and required of him by this present Act; and that he will keep a just and true Account of the Names of all such Persons as shall apply unto the Loan-Office aforesaid for Bills of Credit; and will prepare and record the Deeds of Mortgage in the same Order of time as their Applications are made, without any undue Preference, unnecessary Delays, or fraudulent Practice.

AND

AND BE IT FURTHER ENACTED
 by the Authority aforesaid, That after all the Sums and Bills of Credit, to be received by the Trustees of the General Loan-Office aforesaid, are so by them accounted for and sunk, pursuant to the Direction of this Act, the same Trustees, and Trustees for the time being, their Heirs, Executors and Administrators, and every of them, shall, thenceforwards, stand and forever be clearly discharged and acquitted of and from all Manner of Obligations, Securities, Actions, Causes of Actions, and of and from all further or other Accounts and Demands whatsoever, to be made or rendered by them of or for any Trust unto them committed, or any thing by them done in Pursuance of this Act.

When the Trustees shall be finally discharged.

C H A P. CCLXXVI.

An ACT for laying a Duty on Negroes imported into this Province. Expired.

C H A P. CCLXXVII.

An ACT for the better enabling of Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hilligart, and Ulrick Hageman, to trade and hold Lands in this Province.

WHEREAS by the Royal Charter of the late King Charles the Second to William Penn, Esq; late Proprietary and Governor of the Province of Pennsylvania, Licence is granted to all Persons, not specially forbidden, to transport themselves and Families into the said Province, in such Shipping as by the Laws of the of the Kingdom of England they ought to use, paying the Customs therefore due, and here to settle themselves, dwell and inherit, and plant for the Publick and their own private Advantage; with Licence to purchase and hold Lands in Fee-simple, or otherwise, of the said Proprietary, and his Heirs, with full Licence to all Persons who shall from time to time repair hither with a Purpose to inhabit or trade with the Natives of this Country, to load, freight and transport all and singular their Goods, Wares and

Merchandizes, not prohibited by the Laws and Statutes of *England*, into any Ports whatsoever of the said late King, his Heirs and Successors, according to the Laws made or to be made within the said Kingdom of *England*; SAVING ALWAYS to the said late King, his Heirs and Successors, the legal Impositions, Customs or other Duties due or to become due by any Law or Statute, for the said Wares or Merchandizes, as by the said Royal Charter (amongst other Things) may more fully appear. AND WHEREAS the said *Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hilligart and Ulrick Hageman*, were born under the Allegiance of the Emperor of *Germany*, now in Amity with the King of *Great Britain*; and being of the Protestant or reformed Religion, and desirous to come under the Power and Protection of his *British* Majesty, have transported themselves, with their Effects, into this Province; and duly considering the Happiness of being governed by a Constitution agreeable to the Laws, Rights and Liberties of *England*; and desiring to be made Partakers of these Immunities belonging to the natural-born Subjects of this Province, and be more effectually secured of those Privileges and Advantages granted by his said late Royal Majesty King *Charles* the Second to Persons coming into this Province to settle and inhabit; they the said *Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hilligart and Ulrick Hageman*, having on the 6th Day of *December* 1725, in the General Quarter-Sessions of the Peace of our Lord the King that now is, held at *Philadelphia*, in the said Province, taken and subscribed the several Qualifications required by Law to be taken and subscribed by his Majesty's liege Subjects, obtained Leave to bring in this Bill to the present Assembly. Now sofar as the Increase of People in these foreign Plantations is an Encouragement to the *English* Trade, and a Means of advancing the Wealth and Strength of the *English* Empire; Therefore may it please the Governor that it may be enacted, AND BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the said *Bernhard Vanleer, Arent Hassert, Michael Smiths, William Seliger, Arnold Bamberger, William Hilligart and Ulrick Hageman*, are hereby declared, and shall at all times hereafter, be esteemed and taken, to all Intents and Purposes, to be and to have been since

since their first Arrival in this Province, free and fully able and capable to trade, traffick, load, freight and transport all and all Manner of Goods, Wares and Merchandizes not by Law prohibited to be imported or exported, as if they the said *Bernhard Vanleer, Arent Haffert, Michael Smiths, William Seliger, Arnold Bamberger, William Hillgart and Ulrick Hageman*, had been the natural liege People and Subjects of the King of *Great Britain*, born in this Province of *Pennsylvania*.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said *Bernhard Vanleer, Arent Haffert, Michael Smiths, William Seliger, Arnold Bamberger, William Hillgart and Ulrick Hageman*, shall and are hereby enabled and adjudged able, to all Intents, Contructions and Purposes whatsoever, as well to demand, take, have, retain and enjoy any Privileges and Immunities belonging to his Majesty's liege People and natural Subjects of this Province; as also to have and enjoy all Lands and Tenements, or other Hereditaments, by Way of Purchase, or Gift of any Person or Persons whatsoever; and also to prosecute, pursue, maintain, avow and justify all and all Manner of Actions, Suits and Causes, and all other Things to do as lawfully, freely and fully as if they the said *Bernhard Vanleer, Arent Haffert, Michael Smiths, William Seliger, Arnold Bamberger, William Hillgart and Ulrick Hageman*, had been and were born natural Subjects of this Province, or as any other Person or Persons born within this Province, may lawfully in anywise do; any Law, Custom or Usage to the contrary thereof in anywise notwithstanding.

C H A P. CCLXXVIII.

*An ACT for the better Regulating of Negroes
in this Province.*

*See before Chap.
125. 126.*

WHEREAS it too often happens, that Negroes commit Felonies, and other heinous Crimes, which by the Laws of this Province, are punishable by Death; but the Loss in such Case falling wholly on the Owner, is so great a Hardship, that sometimes may induce him to conceal such Crimes, or to convey his Negroe to some other Place, and so suffer him to escape Justice, to the ill Example of others to commit the like Offences:

For

Preamble.

Negroes convicted of capital Offences, to be valued, &c. and the Owner paid.

For Remedy whereof, BE IT ENACTED by Sir WILLIAM KEITH, Bart. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Negroe, owned by any of the Inhabitants of this Province, shall hereafter be convicted of any capital Crime for which he or she shall suffer Death, the Justices, with the Freeholders, before whom he or she shall be convicted, shall immediately upon such Conviction value such Negroe; which Value by them set shall be allowed and paid to the Owner out of the Duties, Fines and Penalties arising from this and one other Act, laying a Duty on Negroes imported into this Province, and no otherways; and the Provincial-Treasurer is hereby impowered and required to pay the same, by Order under the said Justices Hands; which said Order they are hereby required to make, seal and deliver to the Owner of any Negroe executed as abovesaid.

All Negroes imported into this Province to be entred, and examin'd whether they were sent hither for capital Offences, &c.

AND BE IT ENACTED by the Authority aforesaid, That from and after the Twenty-fourth Day of *June 1726*, for every Negroe imported or brought into this Province, from the *West-Indies*, or any other Place, who shall or have been transported or sent away for being Principal or Accessary to any Felony, or grand or Petty-Larceny, or other Misdemeanors, there shall be paid by the Owner, Importer or Possessor, the Sum of *Five Pounds*, over and above the *Five Pounds* Duty laid by an Act of Assembly of this Province, passed this Sessions: Which said Duty shall be paid to the Officer appointed to collect and receive the said Duty imposed by the said recited Act. And all Masters of Vessels, or others bringing into this Province any such Negroes, shall, within the Space of Twenty-four Hours, make Entry, and, upon Oath or Affirmation, give a true Account to the said Collector, of the Number of Negroes by him or them imported or brought in, and to whom they respectively belong; whereupon the said Officer shall forthwith give Notice thereof, to any one or more of the Justices of the Peace for the City or County where such Negroes are or shall be imported; which Justice or Justices are hereby impowered and required immediately, by Warrant or otherwise, to call before him or them the said Master, Owner or other Person or Persons importing such Negroes as aforesaid, and to examine him or them upon Oath or Affirmation, in Order to discover which or how many of the said Negroes are liable to the said Duty of

of *Ten Pounds per Head*; and then the said Justice or Justices shall deliver, or cause to be delivered to the said Collector, a Certificate or List of the Number of Negroes so imported, which shall appear to them, or as they shall judge to be within the Meaning of this Act; and thereupon the said Officer shall proceed to collect and recover the said Duty, or take Bond for the same. And all Masters of Vessels, and others, bringing into this Province any such Negroes; as likewise the said Collector, and all other Persons, shall and are hereby required to observe and comply with the Directions of the said Act in and about the Execution of this Part of this Act, and under the same Exceptions, Restrictions and Penalties as is appointed and set down in and by the said recited Act, excepting where the same is hereby expressly altered or supplied.

AND WHEREAS 'tis found by Experience, that free Negroes are an idle, slothful People; and often prove burthensom to the Neighbourhood, and afford ill Examples to other Negroes: THEREFORE BE IT ENACTED by the Authority aforesaid, That if any Master or Mistress shall discharge or let free any Negroe, he or she shall enter into Recognizance at the respective County-Court, with sufficient Sureties, in the Sum of *Thirty Pounds*, to secure and indemnify the City, Township or County where he resides, from any Charge or Incumbrance they may bring upon the same, in case such Negroe, by Sickness or otherwise, be rendered incapable to support him or herself; but until such Recognizance be given, such Negroes shall not be deemed free.

Security to be given on setting a Negroe free.

AND if any Negroe be made free by the Will or Testament of any Person deceased, then the Executor or Executors of the Deceased, or some other Person, shall enter into the like Recognizance as above, immediately upon proving the said Will, or otherwise the said Negroe shall not be deemed free.

Also, on setting them free by Will.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any free Negroe, fit and able to work, shall neglect so to do, and loiter or mispend his or her Time, or wander from Place to Place, any two Magistrates next adjoining are hereby impowered and required, to bind out to Service such Negroe from Year to Year, as to them shall seem meet.

Free Negroes, neglecting to work, to be bound out by the Year.

Free Negroe
Children to
be bound out,
&c

AND if any Negroe be set free under the Age of Twenty-one Years, or where there be any Children of free Negroes, it shall and may be lawful for the Overseers of the Poor, and they are hereby ordered, with the Assent of two or more Justices of the Peace, to bind out to Service such Negroe or Negroes, a Man Child until he comes to the Age of Twenty-four Years, and a Woman Child to the Age of Twenty-one.

Penalty on
free Negroes
entertaining
Slaves, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any free Negroe or Mulatto shall harbour or entertain any Negroe, Indian or Mulatto Slave, or Servant, in his or her House, without the Leave and Consent of their respective Master or Mistress, he or she shall forfeit and pay the Sum of *Five Shillings*, for the first Hour, and *One Shilling* for every Hour afterwards, they shall be so harboured or entertained.

Also on tra-
ding with
them.

AND if any free Negroe or Mulatto shall barter, trade or anyways deal with any Negroe or other Slave, without Licence had as aforesaid, he or she shall make Restitution to the Party grieved, and also be publicly whipp'd, not exceeding Twenty-one Lashes.

And not be-
ing able to
pay the Pe-
nalties, Satis-
faction to be
order'd by
Servitude.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any free Negroe or Mulatto shall refuse or be unable to pay his or her Fine or Forfeiture as aforesaid, it shall and may be lawful to and for the Justice before whom such Matter is tried to order Satisfaction by Servitude.

Penalty on a-
ny Person
joining White
and Black in
Marriage.

AND BE IT ENACTED by the Authority aforesaid, That no Minister, Pastor or Magistrate, or other Person whatsoever, who according to the Laws of this Province usually join People in Marriage, shall, upon any Pretence whatsoever, join in Marriage any Negroe with any white Person, on the Penalty of *One Hundred Pounds*.

Forfeitures on
White and
Black cohabi-
ting together.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any white Man or Woman shall cohabit or dwell with any Negroe, under Pretence of being marry'd, such white Man or Woman shall forfeit and pay the Sum of *Thirty Pounds*, or be sold for a Servant, not exceeding seven Years, by the Justices of the respective County Courts ; and the Child or Children
of

of such white Man or Woman shall be put out to Service as above directed, until they come to the Age of Thirty-one Years: And if any free Negroe Man or Woman shall intermarry with a white Woman or Man, such Negroe shall become Slave during Life, to be sold by Order of the Justices of the Quarter-Sessions of the respective County. And if any free Negroe Man or Woman shall commit Fornication or Adultery with any white Man or Woman, such Negroe or Negroes shall be sold Servant for seven Years as abovesaid; and the white Man or Woman shall be punished as the Law directs in Cases of Adultery or Fornication.

AND WHEREAS a good Regulation and suitable Management of Negroes is very much conducive to the Safety and Peace, as well as Advantage of those Countries which are possess'd of any Number of them, THEREFORE BE IT ENACTED by the Authority aforesaid, That if any Negroe shall at any time be found tipling or drinking in or near any House or Shop where strong Liquors are sold, or be found out of or absent from his Master or Mistress's House after nine a Clock at Night, without Licence from his said Master or Mistress, shall be whipp'd on his or her bare Back, at his Master's or Owner's own Cost, not exceeding ten Lashes, by Order of any Justice of the Peace.

Punishment
on Negroes
tipling, from
their Home,
after Nine at
Night.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That whoever shall take up any Negroe above ten Miles from his or her Master or Mistress's Habitation, who hath not Leave in Writing from his or her said Master or Mistress, or are not known to be on their Service, he, she or they so taken up shall be whipp'd by Order of any Justice of the Peace, on the bare Back, at the Owner's Charge, not exceeding ten Lashes; and the Taker-up shall have for his Reward *Five Shillings*, with reasonable Charge for carrying him or them home, paid by the Master or Mistress of the said Negroe.

Negroes
found ten
Miles from
home, to be
taken up, &c.

AND BE IT ENACTED by the Authority aforesaid, That no Master or Mistress of any Negroe shall hereafter, for any Reward, Sum or Sums of Money stipulated and agreed upon between them, or upon any other Pretence whatsoever, permit or suffer his or their Negroes to ramble about, under Pretence of getting Work, give Liberty to their Negroes to seek their own

No Owner to
permit his
Negroe to
seek his own
Employ, on
Penalty, &c.

Employ,

Employ, and so go to work at their own Wills, under the Penalty of *Twenty Shillings*, for every such Offence.

Penalty on
any Person's
entertaining a
Slave.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Person or Persons whatsoever shall imploy or knowingly harbour, conceal or entertain other People's Slaves, at their Houses, Out-houses or Plantations, without the Master or Owner's Consent, excepting in Distress of Weather, or other extraordinary Occasion, under the Penalty of *Thirty Shillings*, for every Twenty-four Hours he or they shall entertain or harbour him or them as aforesaid.

How the
Fines, &c. are
to be recover-
ed & applied.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Fines, Forfeitures and Penalties, arising by this Act, shall go, one Half thereof for and towards the Paying for Negroes executed for capital Offences, according to the Directions of this Act; to be paid into the Hands of the Provincial-Treasurer, and the other Half thereof to the Prosecutor: And shall be recovered in Manner following, *viz.* all those under *Forty Shillings*, as other Debts of the like Value are recovered, and those above *Forty Shillings*, to be recovered in any Court of Record in this Province, by Bill, Plaint or Information, where no more than one Impar lance shall be allowed.

C H A P. CCLXXIX.

An ACT for the better Regulating the Retailers of Liquors near the Iron-Works, and elsewhere.
Expired.

ANNO REGNI
 GEORGGII
 REGIS
 DECIMO TERTIO.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Thirteenth Year of the Reign of our Sovereign Lord GEORGE, King of *Great Britain*, &c. *Annoq; Domini*, One Thousand Seven Hundred and Twenty-six, and continued by Adjournment till the Twenty-fifth Day of *August*, One Thousand Seven Hundred and Twenty-seven: The following ACTS were passed by the Honourable PATRICK GORDON, Esq; Governor of the said Province, *That is to say*,

C H A P. CCLXXX.

An ACT for the *Establisbing of Courts of Judicature in this Province.* Repealed.

C H A P. CCLXXXI.

An ACT for the more effectual encouraging the Raising of good Hemp; and for continuing an Excise on all Wine, Rum, Brandy, and other Spirits, retailed within this Province. Repealed, vid. 5 Geo. II. Chap. 325.

C H A P. CCLXXXII.

An ACT for establishing a Ferry from the City of Philadelphia, to the Landing at or near the House of William Cooper; and another from or near the City-Bounds, to Gloucester in New-Jersey. Expired.

C H A P. CCLXXXIII.

An ACT more effectually to prevent unfair Practices in the Packing of Beef and Pork for Exportation.

WHEREAS an Act was passed in this Province, in the twelfth Year of the Reign of the late King William the Third, entituled, *An Act for the Ascertainning the Dimensions of Cask, and for the true Packing of Meat for Transportation*: AND WHEREAS the Frauds and Abuses provided against and intended to be prevented by the said Act, relating to the Package of Beef and Pork, and Dimensions of Cask, are still complained of: For the Preventing whereof, for the Time to come, **BE IT ENACTED** by the Honourable PATRICK GORDON, Esq; Lieutenant Governor of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all tight Cask, made in this Province, for Beef and Pork for Exportation, shall be made of good, sound, well-seasoned white Oak Timber, and shall contain as follows, *viz.* The Barrel, Thirty-one Gallons and a half, Wine-Measure, and the Half-Barrel, sixteen Gallons: And every Cooper, residing or hereafter to reside within this Province, shall, each one for himself, provide and have a distinguishable Brand-Mark, and shall therewith

How much every tight Cask, made for exporting Beef & Pork, shall contain; the Cooper to brand his Cask, &c. and enter the Brand and

therewith brand each and every tight Barrel and Half-Barrel he shall make for containing of Beef or Pork for Exportation: But before any such Cooper shall brand any Barrel or Half-Barrel as aforesaid, he shall cause such his Brand-Mark, together with his Name and Place of Abode, to be entered with the Officer hereafter appointed by this Act; who is hereby required to enter the same in a Book provided and kept by him for that Purpose, for Entering of which the Officer shall have *One Shilling* each, and no more: And every Cooper offending in all or any of the Premises, on due Proof made, shall forfeit and pay the Sum of *Ten Shillings*, for every such Offence.

his Name with the Officer, on Penalty, &c.

AND BE IT ENACTED by the Authority aforesaid, That all Beef and Pork designed for Exportation, from and after the Twentieth Day of *September*, *One Thousand Seven Hundred and Twenty-seven*, shall be sound and merchantable Meat, well packed and secured with Salt and Pickle, and shall not have more than two Heads of Pork in one Barrel, nor more than one Head in half a Barrel.

How good Beef & Pork shall be packed.

AND BE IT ENACTED by the Authority aforesaid, That no Merchant or Person whatsoever shall lade or ship any Beef or Pork for Exportation out of this Province, before he shall first submit the same to the View and Examination of the Officer or his Deputy, appointed by the Direction of this Act, who shall search the same, by opening, unpacking and repacking, in order to judge of the Soundness and true Package of the Meat, as well as the Contents of the Cask; and if the said Officer or his Deputy shall find the said Beef or Pork to be merchantable, and the Cask to contain, the Barrel Thirty-one Gallons and a half, Wine-Measure, and the Half-Barrel sixteen Gallons, according to the Direction of this Act; he shall, after the Packing or Re-packing and Heading, brand every such Barrel and Half-Barrel on the Quarter, with a Provincial Brand-Mark, which the said Officer shall have and provide for that Purpose, sufficient to impress, in a fair and distinguishable Manner, the Arms of the Province of *Pennsylvania*, as in the Margin.

No Person to export Beef and Pork before view'd by the Officer.

The Barrel to be branded thus,



PROVIDED ALWAYS NEVERTHELESS, That if any Dispute shall happen to arise between the said Officer and Possessor of such Beef or Pork, concerning the Soundness or Package of the same, or

On any Dispute arising, how to proceed.

Contents

Contents of the Cask, Application being made to one of the Magistrates of the City or County where the said Dispute arises, who shall issue his Warrant to two indifferent judicious Persons of Skill and Integrity, to view and search the said Beef and Pork, and make Report forthwith according as they find the same; and the said Magistrate is hereby impowered and required to give Judgment accordingly: And in case the said Beef or Pork is judged not fit to be exported, the said Magistrate shall order it not to be exported, under the Penalty of Forfeiture of all such Beef or Pork; and shall also award and order the Owner or Possessor of the said Beef or Pork, to pay the said Officer *Five Shillings per Cask*, for all such Beef or Pork as shall be adjudged not fit for Exportation as aforesaid, with reasonable Charges. But in case the said Beef or Pork, upon Trial shall be found to be good and merchantable, according to the Direction of this Act, the Charges of Prosecution shall be paid by the Officer.

The Officer's
Fee for Pack-
ing, &c.

AND BE IT ENACTED by the Authority aforesaid, That the Officer hereafter appointed, or to be appointed, or his Deputy, shall have and receive, for the Viewing, Searching and Packing, or Re-packing, Heading and Branding of every Barrel of Beef or Pork, *One Shilling and Six-Pence*, and for every Half-Barrel *One Shilling*, and no more; to be paid, one Half by the Buyer or Shipper, and the other Half by the Seller.

The Officer's
Power and
Duty.

AND BE IT ENACTED by the Authority aforesaid, That the said Officer, or his Deputies, shall have full Power and Authority by Virtue of this Act, and without any further or other Warrant, to enter on board any Ship, Sloop or Vessel whatsoever, lying or being in any Port or Place in this Province, and into any House, Store or Places whatsoever, within the Province aforesaid, to search for and make Discovery of any Beef or Pork shipp'd or intended to be shipp'd for Exportation; and if the Owner or Possessor, or their Servants, or others, shall deny him or them Entrance; or if the said Officer or his Deputies shall be anyways molested in making such Discovery as aforesaid; or if such Merchant or Owner shall refuse to permit the said Officer, or his Deputies to view and examine any Beef or Pork, or not permit him or them to brand the same, if merchantable, according to the Direction of this Act, every such Person so offending shall forfeit and pay the Sum of *Ten Pounds*: Or shall ship off any Cask or Casks

Casks of Beef or Pork not branded with the Provincial Brand-Mark aforesaid, every such Person so offending shall forfeit and pay the Sum of *Ten Shillings* for every Cask so shipp'd.

AND BE IT ENACTED by the Authority aforesaid, That *Nathaniel Griffitts*, of *Philadelphia*, Cooper, shall be and is hereby appointed the said Officer for Viewing, Searching, Packing or Re-packing and Branding as aforesaid all Beef and Pork intended for Exportation, according to the Direction of this present Act. And if the said *Nathaniel Griffitts*, or other Person hereafter appointed to be the Officer aforesaid, shall, by any Accident be rendered incapable, or neglect to execute the said Office, or shall happen to die before or after the Time of putting this present Act in Execution, then, and so often, and from time to time, it shall and may be lawful to and for the Mayor, together with any two Aldermen, of the City of *Philadelphia*, to supply his Place by some other fit and capable Person; who shall thereupon be the Officer for putting this Act in Execution until the Assembly appoints another.

Who is appointed Officer, and in whole Power it is, in case of Death, &c. to appoint another.

BUT before the said *Nathaniel Griffitts*, or any other Person so to be appointed the Officer aforesaid, shall do any thing in the Execution of his Office, he shall first make Oath or Affirmation before any Justice of the Peace of any County of this Province, faithfully and impartially to perform his Duty and Trust to the best of his Capacity, according to the Direction of this present Act.

The Officer to make Oath or Affirmation.

AND BE IT ENACTED by the Authority aforesaid, That the said *Nathaniel Griffitts*, or any other Person appointed the Officer aforesaid, is hereby empowered to appoint Deputies in the respective Counties of this Province (for whom he or they shall be accountable) which said Deputies are hereby fully empowered to act as Deputy-Officers for the Viewing, Searching, Packing and Branding of Beef and Pork in Manner aforesaid, in their respective Counties, to all Intents and Purposes, as fully as the said *Nathaniel Griffitts* could do by Virtue of this Act.

And may appoint Deputies.

AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall counterfeit the said Provincial Brand-Mark, or impress or brand the same on any Cask of Beef or Pork, he, she or they being

Penalty on counterfeiting the Brand-Mark, and using the same.

thereof legally convicted, shall, for the first Offence, forfeit and pay the Sum of *Five Pounds*, for the second Offence the Sum of *Ten Pounds*, and for the Third, and every other such Offence, the Offender shall be committed to Goal, and sentenced to the Pillory, there to stand the Space of two Hours, on a Market-Day, in any City, Burrough or Town of the respective Counties of this Province where the Fact was committed.

The Appropriation of the Fines, and how to be recovered.

AND BE IT ENACTED by the Authority aforesaid, That all and singular the Fines, Forfeitures and Penalties in and by this Act set and appointed, shall be, one Half to the Governor, for the Support of Government, and the other Half thereof to the Informer, or him or them that will sue for the same; if under *Forty Shillings*, to be recovered as Debts under *Forty Shillings* are usually recovered; if above *Forty Shillings*, to be sued for and recovered by Bill, Plaint or Information, in any Court of Record within this Province, wherein no Effoin, Protection or Wager of Law, nor any more than one Imparlance, shall be allowed.

C H A P. CCLXXXIV.

Antea Chap.
129.

A Supplementary A C T to the Act for Ascertaining the Number of Members of Assembly, and to regulate Elections.

Preamble.

WHEREAS by an Act of Assembly of this Province, passed in the fourth Year of the late Queen Anne, entituled, *An Act to ascertain the Number of Members of Assembly, and to regulate Elections*, amongst other Things it is enacted, that every Sheriff, or, in his Absence, his under Sheriff, or such as he shall depute, or for Want of such Deputation, the Coroner, or such as he shall appoint, or for Want of such Appointment, any two of the Freeholders, who, by the major Part of the Electors then and there present shall be nominated and appointed Judges of the said Elections, in the Absence of the Sheriff or Coroner shall attend the said Elections, and shall appoint such Number of Clerks for taking the Poll or Votes of the Electors as the Inspectors in the said Act after mentioned shall appoint. AND WHEREAS by the said recited Act it doth not clearly appear what Number of Inspectors are to be nominated or chosen

chosen by the major Part of the Electors, nor are they laid under any Oath or Affirmation for the true Discharge of the Trust in them reposed by the said Act, from whence some Disputes have arisen to the Delay of the said Elections: For Remedy whereof, BE IT ENACTED by PATRICK GORDON, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the Province aforesaid, in General Assembly met, and by the Authority of the same, That when the Sheriff of every County of this Province, or his Under-Sheriff, or such as he shall depute, or for Want of such Deputation, the Coroner, or such other Person or Persons, who by the before-recited Act, or any other Law of this Province, are or shall be, in the Absence of the Sheriff or Coroner, appointed to be Judges of the said Elections respectively, are ready to proceed according to the Direction of the said Act, the Freemen of the respective Counties then and there present, and having Right to be Electors, or the major Part of them, shall immediately, preceeding every such Election of Representatives, nominate such substantial Freeholders, of the County where such Election is to be, for Inspectors of the ensuing Election, who at the Time and Place aforesaid shall be put up one by one, by the Sheriff, or other Judges of the said Elections, until eight of those Freeholders so nominated shall be chosen for the County and City of *Philadelphia*, and six for the said City of *Philadelphia*, and the Number four for the Counties of *Bucks* and *Chester* respectively, by a fair Majority of the Electors, to be Inspectors as aforesaid, having Regard (as much as may be) in all Elections for the respective Counties of this Province, to choose such Persons for Inspectors as, from their living in different Quarters of the said Counties, may have the most Knowledge of the Qualification or Abilities of the Electors.

How the Sheriff, &c. shall proceed in the Election, &c.

AND the said Inspectors, when chosen as aforesaid, before they shall proceed to act in receiving the Poll or Votes at the said Elections, shall be qualified by Oath or Affirmation, by the Sheriff of the proper County, or other Judges of the Elections; who are hereby impowered and required to administer the same, That they will duly attend the ensuing Election, during the Continuance thereof, and will truly and faithfully assist the Sheriff, Coroner, or other Person who shall, by Virtue of the before recited Act, officiate as Judges of the said Elections, to prevent all Frauds and Deceits whatsoever of Electors, or others, in the

The Inspectors how to be qualified, &c.

Management and carrying on of the same, and in causing the Poll or Votes at such Elections to be taken and cast up according to the Directions of the said recited Act.

An Oath or Affirmation to be administered to the Voter, &c.

AND the said Inspectors are hereby authorized and required to administer to every Elector or Person, who presents his Ticket for electing Representatives to serve in Assembly, an Oath or Affirmation, in the Words directed by the aforesaid Act of the fourth of Queen *Anne*, viz. That such Elector is of Twenty-one Years of Age, and a Freeholder for the County of - - - - - and has fifty Acres of Land or more, well seated, and twelve Acres thereof, or more, cleared, or that he is otherways worth *Fifty Pounds*, Money of this Province, clear Estate, and hath been resident therein for the Space of two Years, and that he has not been before polled at that Election; unless the Qualification of such Elector be generally well known, or some one or more of the Inspectors shall or will openly declare to the rest, that they know such Elector to be qualified as aforesaid; and the Votes or Tickets of such as offer to Poll, and refuse to take the said Oath or Affirmation, shall be openly rejected; and the Vote or Ticket of every Person who takes the said Oath or Affirmation shall be put into the Box, and no Ticket so received shall be suppressed.

PROVIDED, That nothing herein contained shall be deemed or taken to disannul, alter or make void the said recited Act, or any thing therein contained, but that every Clause, Article and Sentence therein, except what is hereby altered or supplied, shall be and remain in full Force and Virtue.

C H A P. CCLXXXV.

See former Acts before Chap. 144. &c. 48.

A SUPPLEMENT to the Act for taking Lands in Execution for the Payment of Debts.

Preamble.

WHEREAS sundry Lands, Tenements and Hereditaments have been taken in Execution and sold, pursuant to the Direction of the aforesaid Act, by some Sheriffs in this Province, who have been removed, by Death, or otherwise, before any Title made or Deeds executed to the Purchaser for the said Lands or Hereditaments so sold, by Reason whereof great Inconveniencies have arisen both to the Purchaser and Debtor: For Remedy whereof, and to prevent such Inconveniencies for the future, whereof

BE IT ENACTED by the Hon. PATRICK GORDON, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That where the Sheriff, or other proper Officer hath heretofore taken in Execution, and either with or without a Writ of *Venditioni exponas* sold any Land or Hereditaments, and hath happened to die or be removed before a Title made or Deeds executed for the same, according to the Direction of the said Act; or whenever it shall happen hereafter that any Sheriff, or other proper Officer, shall, pursuant to the said Act, take in Execution and sell any Lands or Hereditaments, and shall happen to die or be removed from his said Office before the Deeds shall be executed or Title made for the same to the Purchaser, then, and so often, and upon all such Accidents, the Plaintiff, or Person in whose Behalf Execution was levied, may apply to the Court of Common-Pleas for the County where Judgment was obtained, and set forth to them his Case, with the Reasons why his Title was not duly perfected by the preceding or former Sheriff; and the said Court may thereupon, as they shall see Cause, and as Justice and Equity shall require, order and direct the Sheriff, for the time being, to compleat any such Title and execute such Deeds as aforesaid: And upon such Order obtained as aforesaid, and entered on the Records of the Court, it shall and may be lawful to and for the present and all succeeding Sheriffs, and they are hereby impowered and required (upon the full Discharge and Payment of the Money or Price of such Lands or Hereditaments, with such Charges as remain unpaid to the former Sheriff) to make, execute and deliver any Deed or Deeds duly executed and acknowledged in Court, and to perform and do all other Matters and Things which by the former Sheriff might, could or ought to have been done in and about the Premises, according to the Direction of the said recited Act; which shall be deemed and adjudged as effectual in Law as if the same had been done and finished by the said preceding Sheriff; any Law, Usage or Custom to the contrary in anywise notwithstanding.

PROVIDED NEVERTHELESS, That this Act, or any thing therein contained, shall not extend to disannul, alter or make void the said recited Act, or any Part thereof: *Save only*, what is herein and hereby expressly altered and supplied.

A N N O R E G N I
G E O R G I I I I.
 R E G I S
 S E C U N D O.

At a GENERAL ASSEMBLY begun at *Philadelphia*, in the Province of *Pennsylvania*, the Fourteenth Day of *October*, in the Second Year of the Reign of our Sovereign Lord **GEORGE** the Second, King of *Great Britain*, &c. *Annoq; Domini* One Thousand Seven Hundred and Twenty-eight, and continued by Adjournment till the Tenth Day of *May*, One Thousand Seven Hundred and Twenty-nine : The following A C T S were passed by the Honourable **PATRICK GORDON**, Esq; Lieutenant Governor of the said Province, *That is to say*,

C H A P. CCLXXXVI.

An ACT for Erecting of Pownds in each Township of this Province.

BE I T E N A C T E D by the Honourable **PATRICK GORDON**, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same,
 That

That it shall and may be lawful for the Inhabitants of the respective Townships within this Province, who are Owners or Possessors of Land, to meet on the Twentieth Day of the Month called *May*, unless it happens on the first Day of the Week, then on the next Day after, yearly, or at such other Time as the Majority of those that meet may appoint, at the most publick Place of each respective Township, in every County within this Province, and there the Majority of those to met shall choose a fit Person to be Pownd-keeper in each Township for the Year ensuing; which Pownd-keeper, where no Pownd is already erected, shall agree with some Person forthwith, to build or erect a good and sufficient Pownd, in some fit and convenient Place within the said Township, where the same shall be agreed upon by the Majority of the Persons aforesaid, being then present: A Memorandum or Minute of which Appointment shall be taken and kept by the Constable of the said respective Townships, and returned to the next County Court to be held for the County in which the said respective Townships do lie; the Clerk of which County Court shall enter the same among the Proceedings of the said Court, and shall forthwith affix publick Notice in Writing, on the Door of the Court-House, of the Name of each respective Pownd-keeper, and the Places where the same are erected.

The Inhabitants of every Township to meet yearly and choose a Pownd-keeper; who may agree to erect a Pownd where there is none.

Publick Notice to be given where the Pownd is erected.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That whoever shall take up any stray Horse or Horses, Cattle or Sheep trespassing within their Inclosures, within this Province, shall, within the Space of Twenty-four Hours after such taking-up, give Notice to the Owner or Owners of such Horse, Cattle, &c. if he or she can be readily found, and if the Owner shall, upon such Notice, neglect or refuse to make reasonable Satisfaction to the Party grieved, as by them shall be agreed upon, or if no Owner be found, then the Taker-up shall take or send such trespassing Creature or Creatures to the Pownd-keeper of the Township where the Trespass was committed, who shall receive the same immediately into his Custody, and shall feed them duly with Grass or good Hay and Water, during the Time of their Continuance in the Pownd; and shall pay to the Party grieved such Damages as shall be assessed by any two indifferent Neighbours living near to the Place where the Trespass was committed, to be nominated by the Pownd-keeper.

Creatures trespassing, &c. the Owner, if known, having had 24 Hours Notice thereof, and refusing Satisfaction, the Taker up to deliver them to the Pownd-keeper.

AND BE IT FURTHER ENACTED

The Pound-keeper to enter the Kind, Colour and Marks of the Creatures in a Book, and give publick Notice within ten Days.

What Rates shall be taken by the Pound-keeper.

No Owner appearing the Creatures may be sold, after ten Days Notice given thereof, and the Pound-keeper may retain his Rates.

by the Authority aforesaid, That after any Horses, Cattle or Sheep shall be delivered to any Pound-keeper, he shall forthwith enter the Kind, Colour and Marks of such Creatures in a Book, by him to be kept for that Purpose, together with the Day of his Receiving the same, and from whom he received them, and thereupon shall, within ten Days send an Account in Writing to the Clerk of the County Court, where such Township lies, who shall affix the Notice in publick View in his Office; and the Pound-keeper shall also affix Notice in Writing at the Court-House of the same County, of the Kind of Creatures so impounded, together with their Marks described at large, to the End that the Owners of such trespassing Creatures may the more readily be informed of and restored to their Property: And if the Owner appear and make out his Right to the said Creatures, the same shall forthwith be delivered to him, he paying the Pound-keeper the Sum of *One Shilling* for taking in and delivering out each Creature, together with the Damages paid to the Taker-up of such trespassing Creatures, and the Sum of *Six Pence* a Head for Horses or horned Beasts, for each Day, and *One Penny* a Head for Sheep, for each Day, Charges allowed by this Act for Feeding the said Creatures and Publishing their Kind and Marks, in the Manner herein directed; and also the Sum of *Six Pence* to the Use of the Clerk of the County Court, for Entering and Filing the Certificate of the Pound-keeper. And if no Owner shall appear to claim the Creatures so impounded, within the Space of three Months after impounding, it shall and may be lawful to and for the said Pound-keeper, by Warrant from one Justice of the Peace of the said County, who is hereby required to grant the same, to expose such trespassing Creatures to Sale by publick Vendue, for the most that can be got for the same, after ten Days publick Notice given of the Time and Place of Sale; and, out of the Money arising by such Sale, the said Pound-keeper shall and may retain to himself for publishing and booking each Horse *Two Shillings*, for each horned Beast *One Shilling and Six Pence*, and for each Sheep *Nine Pence*; and likewise all such Monies as he hath paid to the Taker-up of such trespassing Creatures on Account of his Damages, or other Charges allowed by this Act: And shall likewise retain to himself the Sum of *Six Pence* for every Day he shall keep such trespassing Creatures in the Pound, if the same be a Horse or horned Beast, and *One Penny* each Day for each Sheep. And the said Pound-keeper shall moreover

moreover be allowed the Sum of *Ten per Cent.* on all Sales made by him, according to the Direction of this Act, and shall keep a plain Account of all his Proceedings, and return the same, together with the Overplus Money (if any be remaining) to the Justices, at their next County Court, to be held for the said County, who shall order the same to be paid to the Overseers of the Poor of the Township where the Creature was impownded, for the Use of the same Township, after the Cost paid to the Clerk for his Service therein.

An Account thereof to be returned to the Justices; and the Overplus Money to go the Overseers of the Poor.

PROVIDED ALSO, That if the right Owner of any Beast sold as aforesaid, appear within nine Months after Sale made as aforesaid, and prove his Property to any such Creature sold in Pursuance of this Act before the Justices of the Peace of the said County, at the next Court, they shall thereupon order Repayment of the Money arising by such Sale to the said Owner, all reasonable Charges first deducted.

The Owner appearing, within nine Months, and proving his Property thereto before the Justices of the County Court, Repayment may be order'd.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall, by Force or otherwise, without the Leave of the POUND-keeper, or by due Order of Law, take away any trespassing Creature impownded according to the Direction of this Act, and shall be legally thereof convicted, he, she or they shall forfeit the Sum of *Five Pounds*, to be applied to the Use of the Poor of that Township, in which the said Creature was impownded. And that it shall and may lawful for the Overseers of the Poor of the respective Townships within this Province, and they are hereby enjoined and required, to assess the Inhabitants of the respective Townships in the same Manner as they are directed by the Act for the Relief of the Poor, for such Sum or Sums of Money as may or shall be necessary for supplying the Charge of building and maintaining the said respective POUNDS, and to collect the same, to be employed as shall be directed by the Majority of the Freeholders of the respective Townships, at their Town-Meeting, for and towards the building and maintaining of POUNDS, and no other Use whatsoever: And if any Person or Persons shall refuse to pay their respective Rates as taxed, that then the said Overseers shall make Complaint thereof to any one Justice within the said County where he resides, who is hereby required forthwith to issue out his Warrant to the Overseers of the Poor of the Township where such Default is made, to make

Forfeiture on taking away a Creature impownded.

Overseers of the Poor to assess Money on the Inhabitants for building a Pound.

Persons refusing to pay, Distress may be made on his Goods, &c.

Distress upon the Offender's Goods and Chattels, who shall immediately make Sale thereof, for paying the said Assessment and Charges of Distress, and return the Overplus (if any be) to the Owner.

AND BE IT FURTHER ENACTED

The Height
of lawful Fen-
ces.

by the Authority aforesaid, That to prevent Disputes about the Sufficiency of Fences, all Fences shall be esteemed lawful or sufficient though they be not close at the Bottom, so that the Distance from the Ground to the Bottom thereof exceed not nine Inches, and that they be four Feet and a half high, and not under.

AND BE IT LIKEWISE ENACTED,

The former
Act relating
to Pounds re-
pealed. See
7 Geo. I. Chap.
231.

That the former Act made for erecting Pounds, passed in the seventh Year of the late King George the First, and every Part thereof, shall be made void and repealed by this Act; any thing in the said former Act contained to the contrary in anywise notwithstanding.

C H A P. CCLXXXVII.

An ACT for laying a Duty on Negroes imported into this Province.

W E the Representatives of the Freemen of the Province of *Pennsylvania*, desire that it may be enacted, **AND BE IT ENACTED** by the Honourable PATRICK GORDON, Esq; Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That for every Negroe which shall be imported, landed or brought into this Province, at any time after the Publication of this Act, other than such Negroes as are actually shipp'd for Sailors, and shall continue in the Service of the Vessel they were brought in, and not be exposed to Sale in this Province, and other than such Negroes as shall be brought or sent into this Province upon their Masters immediate Business, and not to remain in the Province, and not for Sale, there shall be paid for the Uses hereafter mentioned the Sum of *Two Pounds*, lawful Money of *America*.

Forty Shillings
Duty, per
Head, on all
Negroes im-
ported, ex-
cept, &c.

AND

A N D that all Masters of Vessels, and others, who shall, within the Time aforesaid, bring into this Province, by Land or Water, any Negroes, shall forthwith make Entry, and give or cause to be given, upon Oath or Affirmation, to the Person herein after appointed to collect the said Duty, or his lawful Deputy, a true and just Account of all the Negroes so imported or brought in, and to whom they respectively belong; which the said Collector shall duly enter in a Book for that Purpose, and thereupon shall grant a Permit, for which the Person obtaining the same, shall pay the Sum of *Six Pence*, for every Negroe contained in the said Permit, for landing them.

Masters to make Entry of Negroes by them imported, &c.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That every Master of a Vessel, or other Person who by this Act are obliged or ought to make such Entry as aforesaid, and shall refuse or neglect to make the same accordingly, within the Time and in the Manner directed by this Act, and being thereof convicted before any one Justice of the Peace, or before the Mayor or Recorder of the City of *Philadelphia* for the time being, shall forfeit, for every Negroe, of which he ought to give an Account to the Collector of the Duties imposed by this Act, the Sum of *Thirty-five Shillings*, to be levied upon the Goods and Chattels of the Party offending, by Warrant under the Hand and Seal of the Justice, or of the Mayor or Recorder aforesaid, before whom the Party is convicted.

Forfeiture on refusing or neglecting to make Entry.

A N D that every such Importer, Owner or Claimer of such Negroes shall, before Landing of them, pay down the said Duty in ready Money, or otherwise become bound to the Collector for the time being, with one or more sufficient Sureties, or procure some other sufficient Person or Persons to be bound to the said Collector to answer and pay the said Duty hereby imposed upon such Negroes, within six Months, next after the Date of the said Obligation; for which the Collector shall receive of the Party *One Shilling and Six Pence*, and no more.

Duty to be paid before landing them.

A N D if any of the said Negroes shall be imported, landed or brought in, within the time aforesaid, without making Entry, and obtaining a Permit as aforesaid, or without paying or giving Security for Payment of the said Duty, in Manner aforesaid, that then all the Negroes so imported, landed or brought in (or the Value of them, if they

Forfeiture on landing them before making Entry, &c.

they cannot be found) shall be forfeited by the Importer or Owner; one Moiety, after the said Duty and all Charges of Seizure and Prosecution are deducted, shall go the Governor, for Support of Government, and the other Half, after the said Deduction, to the said Collector, or such other Person as will sue for the same in any Court of Record in this Province, by Bill, Complaint or Information, wherein no Effoin, Protection or Wager of Law, nor any more than one Imparance shall be allowed.

The Officer's
Power.

AND that the said Collector of the said Duty arising by this Act, or his Deputy, shall have full Power and Authority, by Virtue hereof, without any further or other Warrant, to enter on board any Ship or Vessel, and into any House or Place whatsoever where he shall suspect any of the said Negroes to be concealed, and make Searches, and do all other Matters and Things, which may tend to secure the true Payment of the said Duty, and the due and orderly Collection thereof; and in case of Opposition or Refusal, the said Collector or his Deputy, with the Assistance of the Sheriff, Water-Bailiff, Constable, or other Officer, who, without any further or other Warrant, are enabled and required, under the Penalty of *Five Pounds* for every Neglect or Refusal in that Behalf, to be recovered as aforesaid, to be Aiding and Assisting unto the said Collector, to seize the said Negroes which shall be concealed, or endeavoured so to be as aforesaid; and for that End to break open Doors and other Things, and to do and perform all other Act or Acts which by this Act is and are required to be done for collecting, receiving and recovering the said Duty, and the Penalties and Forfeitures herein mentioned, or for making Seizures of Negroes landed or brought in without making Entries and paying and securing the said Duty, in as full and ample a Manner, to all Intents, as any of the Collectors or Officers of the King's Customs may or can do by the Laws of *Great Britain*.

Compliance
to be made to
this Act, by
Masters trading
to and from the Har-
bour, without
Notice given.

AND BE IT FURTHER ENACTED,
That all Masters of Vessels and others trading in the River *Delaware*, and coming into any Port or Place of this Province, having Negroes on board which by this Act are liable to pay the said Duty, are hereby required to comply with the Directions of this Act as if such Vessels came from Sea directly; and that all Persons obliged by this Act to pay the said Duty, shall apply to the said Collector, or his Deputy, without any Notice given or Request made by him for their so doing.

AND

AND BE IT FURTHER ENACTED by the Authority aforesaid, That in case any Vessel shall arrive at any Port, Member, Creek or Landing-Place in this Province with any Negroe or Negroes on board, and there remain the Space of Twenty-four Hours without making Entry, under Pretence of going to some other Port, or any other Pretence whatsoever, the Master or Owner of said Vessel shall give a true Account of the Number of Negroes on board, and shall give Security to the said Collector that he shall not land any of the said Negroes without Entry made and Permit obtained from the said Collector, under the Penalty of Seizure and Forfeiture of the said Negroes, to be recovered as aforesaid.

PROVIDED ALWAYS, That if any of the said Negroes, for which the said Duty is paid or secured as aforesaid, shall, within the Space of six Months die or be exported, or carried out to Sea, then and in such Case three Fourths of the said Duty hereby imposed shall be abated for such of them as shall die or be exported as aforesaid; and on Payment of the remaining fourth Part, the Security given shall be delivered up and discharged; and the Officer shall and may deduct *Five Shillings per Head*, for his Care and Trouble therein.

Three fourths of the Duty abated, on Negroes exported.

PROVIDED ALSO, That all such Negroes for which such Deduction shall be made, shall actually and *bona fide* be forthwith shipp'd off or sent out of this Province, so as not to return again without complying with this Act, under the Penalty of Seizure and Forfeiture as aforesaid.

Proviso.

PROVIDED ALSO, That if any Person or Persons shall, during the Continuance of this Act, transport him or themselves, with their Families and Negroes, in order to settle in this Province, and shall, upon Oath or Affirmation, declare before the said Collector or his Deputy, who are hereby empowered to administer the same, That such Negroes so brought in are for their own Service, and not for Sale, he or they shall not be liable to pay the said Duty for such Negroes, but shall forthwith give Security to the said Collector, which he is hereby empowered and required to take, by a Bond of the full Value of such Negroes conditioned for the Payment of the Rates aforesaid, in case such Negroes shall be sold, or the Property of them

Persons coming hither to settle, and bringing Negroes, to pay no Duty.

X x x x

directly

directly or indirectly altered, within the Space of sixteen Months after the Date of such Bond.

Constables to return Lifts to the Quarter-Sessions, of the Negroes in their respective Townships.

AND to prevent the clandestine Practice of landing or bringing in of Negroes into the remote Parts of this Province, by Masters of Vessels, Merchants, or others, without making Entry of and paying the Duty for the same according to the Directions of this Act, BE IT ENACTED by the Authority aforesaid, That the Constables of the respective Townships, Hundreds or Wards, within this Province, shall and are hereby obliged, upon Oath or Affirmation, to bring in a Lift to the respective Courts of Quarter-Sessions for the City or County where they live, of all the Negroes that shall come or be brought into their respective Townships or Wards, and by whom the same Negroes were imported or brought in, and in whose Possession such Negroes are.

The Officer appointed by this Act.

AND BE IT FURTHER ENACTED, That *Charles Read*, of *Philadelphia*, Merchant, shall be and is hereby appointed the present Collector of the said Duty hereby imposed, and Receiver of all Fines, Forfeitures and Penalties herein before-mentioned to be set, imposed and levied by Virtue of this Act; which the said Collector, by himself, or his lawful Deputy, is hereby empowered to demand, collect, receive and recover of and from all Persons importing, landing or bringing in any Negroes during the Continuance of this Act; and shall from time to time take all Bonds required to be given as aforesaid.

The Collector to submit his Accounts, and pay the Money received to the Treasurer.

AND the said Collector shall keep true and fair Accounts, in Writing, of all such Transactions relating to the Premises; which he shall from time to time submit to the View and Inspection of the Provincial-Treasurer, and lay the same before the Assembly, when required; and once in six Weeks, or oftner, if required, during the Continuance of this Act, pay into the said Treasurer's Hands all such Sums of Money as he shall receive by Virtue of this Act, and shall deduct out of the same, for his own Use, *Five per Cent.* for all Sums so by him paid, and shall further be allowed by the said Treasurer, in the final Adjusting of his Accounts, all reasonable Charges by him expended in the Prosecution of the said Seizures and Recovery of any of the said Fines, Forfeitures and Penalties, in Pursuance of this Act.

P R O-

PROVIDED ALWAYS, That the said Collector, before he enter upon the Execution of his Office, shall be sworn or attested before some Justice of the Peace, and shall, with one or more sufficient Sureties, become bound, in an Obligation of *Five Hundred Pounds*, to the Treasurer, conditioned for the due and faithful Execution of his said Office.

Collector to take an Oath, &c.

AND in case of the Death or Removal of the said Collector, the Provincial-Treasurer, for the time being, shall appoint an other in his Stead, to collect the said Duty, until some other Person be appointed for that Purpose by the General Assembly of this Province.

Who has the Power, in case of Death, &c. to choose another.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall at any time be sued or prosecuted for any thing done in Pursuance of this Act, such Person or Persons so sued or prosecuted may plead the General Issue, and give this Act and the special Matter in Evidence for their Excuse or Justification: And if the Plaintiff or Prosecutor become Nonsuit, or forbear Prosecution, or suffer a Discontinuance, or if a Verdict pass against him in such Action, Suit or Information, the Defendant shall have treble Costs, as in any Cases where Costs by Law are given to Defendants.

Persons sued, how to proceed.

C H A P. CCXCVIII.

An ACT laying a Duty on Foreigners, and Irish Servants, &c. imported into this Province. Repealed, 3 Geo. II. Chap. 306.

C H A P. CCXCIX.

An ACT for Erecting the upper Parts of the Province of Pennsylvania, lying towards Sasquehannah, Conestogoe, Dunnegal, &c. into a County.

WHEREAS a great Number of the Inhabitants of the upper Parts of *Chester* County, have, by their Petition, humbly represented to the Governor and Assembly of this Province, the great Hardships they

Preamble.

they lie under by being at so great a Distance from the Town of *Chester*, where the Courts of Justice are held, and the publick Offices kept; and how hard and difficult it is for the sober and quiet Inhabitants of that Part of the County to secure themselves against the Thefts and Abuses almost daily committed upon them by idle and dissolute Persons, who resort to the remote Parts of the Province, and by reason of the great Distance from a Court or Prison, do frequently find Means of making their Escape: For the Removing which Inconveniency, and Relief of the said Inhabitants, BE IT ENACTED by the Hon. PATRICK GORDON, Esq; Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all and singular the Lands within the Province of *Pennsylvania*, laying to the Northward of *Octoraroe* Creek, and to the Westward of a Line of marked Trees, running from the North Branch of the said *Octoraroe* Creek, North-easterly to the River *Schuylkil*, be erected into a County, and the same is hereby erected into a County, named, and from henceforth to be called

Boundaries.

Its Name.

Lancaster County; and the said *Octoraroe* Creek, the Line of marked Trees, and the River *Schuylkil* aforesaid, shall be the boundary Line or Division between the said County and the Counties of *Chester* and *Philadelphia*.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said County of *Lancaster* shall have and enjoy all and singular the Jurisdictions, Powers, Rights, Liberties, Privileges and Immunities whatsoever which any other County within the Province of *Pennsylvania* doth, may or ought to enjoy by any Charter of Privileges, or the Laws of this Province, or by any other Ways or Means whatsoever, excepting only in the Number of Representatives to serve in the General Assembly of this Province, in which Case, IT IS HEREBY PROVIDED AND ENACTED by the Authority aforesaid, That, until it shall be otherwise ordered by the Governor and Assembly of this Province, the Freemen and Inhabitants of the said County, qualified by the Laws of this Province to elect, shall annually meet at or near the Court-House of the said County, at the same Time the other Counties of this Province shall meet for such like Purpose, or at such Place where the Courts shall be held until such Court-House shall be erected, and there proceed to choose Inspectors, and to elect four Representatives or Delegates to serve them

The Privileges, &c. granted it.

them in Assembly, in the same Manner as by the said Charter and Laws of this Province is directed: Which said four Representatives, when so chosen, shall be Members of the General Assembly of *Pennsylvania*, and sit and act as such, as fully and freely as any of the Representatives for the other Counties within this Province do, may, can or ought to do.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Taxes already laid within the Bounds of the said County of *Lancaster* by an Act of General Assembly of this Province, which are not already paid, shall be collected by the respective Collectors within the Bounds aforesaid, and paid into the Hands of the Treasurer of *Chester* County; and that all Persons concerned in the Levying, Receiving and Paying the said Taxes, shall have the same Power and Authority, and be under the same Penalties and Restrictions for the Collecting and Paying the same, as by the said Acts by which the said Taxes were assessed are expressed and directed, until the Whole be collected and paid as aforesaid.

Taxes already laid in the said County, are to be collected, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the several Courts of General Quarter-Sessions of the Peace and Goal-Delivery, and the Courts of Common-Pleas for the said County of *Lancaster*, shall be holden and kept on the first *Tuesday* in the Months of *February*, *May*, *August* and *November*, in every Year, at some proper Place within the said County, until a convenient Court-House shall be built; and when the same is built and erected in the County aforesaid, the said several Courts shall then be holden and kept at the said Court-House, on the Days before mentioned: And the Election of Representatives to serve in General Assembly, Assessors, and all other Officers of the said County who are or shall be appointed to be annually elected, shall be made and elected at or near the said Court-House, at the same Time and in the same Manner as by the Charter of Privileges and Laws of the Province of *Pennsylvania* is directed to be done in the other Counties of this Province. And it shall be lawful for the Freemen of the said County, for the first Year, to choose three Persons for Commissioners for raising County-Rates and Levies for the said County.

Courts when to be held for the said County.
Election of Representatives to be held at the same time, & in like Manner as in the other Counties.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be

Y y y

lawful

Trustees appointed to purchase Land for building a Court-House and Prison.

lawful to and for *Caleb Pearce, John Wright, Thomas Edwards* and *James Mitchel*, or any three of them, to purchase and take Assurance to them and their Heirs, of a Piece of Land situate in some convenient Place in the said County, to be approved of by the Governor, in Trust and for the Use of the said County, and thereon to erect and build, or cause to be erected and built a Court-House and Prison, sufficient to accommodate the publick Service of the said County, for the Ease and Conveniency of the Inhabitants.

AND BE IT FURTHER ENACTED

The Charge whereof to be defrayed by an Assessment on the Inhabitants.

by the Authority aforesaid, That for the Defraying the Charges of Purchasing the Land, building and erecting the Court-House and Prison aforesaid, it shall and may be lawful to and for the Commissioners and Assessors of the said County, or a Majority of them, who are hereby required to assess and levy so much Money as the Trustees, or any three of them, shall judge necessary for purchasing the Land and finishing the said Court-House and Prison.

Not exceeding *Three Hundred Pounds*.

PROVIDED ALWAYS, The Sum of Money so raised does not exceed *Three Hundred Pounds* current Money of the Province.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Action or Suit, now commenced or depending in the County of *Chester*, against any Person living within the Bounds of the said County of *Lancaster*, shall be staid or discontinued by this Act, or by any thing herein contained, but that the same Actions already commenced or depending may be prosecuted, and Judgment thereupon rendered as if this Act had not been made: And that it shall and may be lawful for the Justices of *Chester* County to issue any judicial Process, to be directed to the Sheriff of *Lancaster* County, for carrying on and obtaining the Effect of their Suits; which Sheriff shall be obliged to yield Obedience in executing of the said Writs, and make due Return before the Justices of the Court of the said County of *Chester*, as if the Parties had been living and residing within the same.

No Action now depending in *Chester* County against any Inhabitants of *Lancaster*, to be discontinued.

C H A P. CCC.

An ACT for continuing and establishing a Ferry from the Landing-Place of Joseph Kirkbride, over Delaware River, at the Falls. Expired.

C H A P. CCCI.

A SUPPLEMENT to that Part of the Act, for raising County Rates and Levies, relating to the Killing of Wolves.

*See before
11 Geo. I.
Chap. 269.*

WHEREAS by a Paragraph in an Act of General Assembly of this Province, entitled, *An Act for raising County Rates and Levies*, it is provided and enacted, That there shall be paid for every Dog or Bitch Wolf *Fifteen Shillings*, for every Wolf Puppy or Whelp *Seven Shillings and Six Pence*, killed within the inhabited Parts of this Province, according to the Directions of the said Act: **BUT WHEREAS** it is found by Experience, that a greater Encouragement for killing Wolves would much better answer the Intent of the said Law, and be of greater Service to the Inhabitants of this Province: **BE IT ENACTED** by the Honourable PATRICK GORDON, Esq; Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That there shall be paid for all Wolves killed in the Manner directed and prescribed by the aforesaid Act of Assembly, the further Sum of *Five Shillings* for every grown Dog or Bitch Wolf, and the further Sum of *Two Shillings and Six Pence* for every Wolf Puppy or Whelp, killed after the Publication of this Act, over and above the Allowance mentioned in the said County-Levy Act, to be paid upon such Proof made, and in the Manner therein directed.

C H A P. CCCII.

A SUPPLEMENT to the Act, entitled,
An Act to prevent Swine running at large.

*See before Chap.
150. 4 Ann.*

WHEREAS by the said Act the Relief provided for Persons suffering by Hogs trespassing in their Fields or Inclosures, is limited to the Extent of fourteen Miles from the navigable Parts of the River
Delaware:

Delaware: Now, forasmuch as the Country is become more populous, and it appears necessary to provide the same Remedy for the Inhabitants living in the other Parts of this Province: THEREFORE BE IT ENACTED by the Authority aforesaid, That the same Penalties, Rules and Orders enacted and directed to be observed by the aforesaid Act, within fourteen Miles of the navigable Parts of *Delaware River*, shall, within one Month after the Publication hereof, be in force, and extended throughout the Province of *Pennsylvania*, as fully and amply as if the same Act were again herein repeated and enacted; any Limitation in the aforesaid Act, for preventing Swine running at large, to the contrary in anywise notwithstanding.

C H A P. CCCIII.

An ACT for emitting of Thirty Thousand Pounds in Bills of Credit, for the better Support of Government and the Trade of this Province.

Preamble:

WHEREAS the Bills of Credit, formerly emitted in this Province, are now very much lessened by sinking the same according to the Directions of the several Acts by which they were made current; and the Inhabitants of this Province being now become very numerous, by the great and constant Importation of Foreigners, as well as others, and our Trade also greatly increased, are hereby reduced to very great Difficulties for Want of Currency to enable them readily to discharge their Engagements to the *English* Merchants, and their Factors, trading here, who are no less affected in their Interest for Want of a sufficient Medium in Trade: Therefore, that these Deficiencies may be supplied, and the People relieved from the Inconveniences they at present labour under, and a further Provision made for the better Support of Government, which, without an Addition to our Currency, cannot be done by any Ways or Means practicable in this Province; May it please the Governor that it may be enacted, AND BE IT ENACTED by the Hon. PATRICK GORDON, Esq; Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That indented Bills of Credit to the

the Value of *Thirty Thousand Pounds*, current Money of *America*, according to an Act of Parliament made in the sixth Year of the Reign of the late Queen *Anne*, entitled, *An Act for Ascertaining the Rates of foreign Coins in her Majesty's Plantations in America*, shall be made and prepared before the Fifteenth Day of *September* next: Which Bills shall severally contain therein the Sums hereafter respectively mentioned, and no other (That is to say) *Fifteen Thousand* of the said Bills the Sum of *Twenty Shillings* in each of them: *Two Thousand* of the said Bills the Sum of *Fifteen Shillings* in each of them: *Twelve Thousand* of the said Bills the Sum of *Ten Shillings* in each of them: *Sixteen Thousand* of the said Bills the Sum of *Five Shillings* in each of them: *Four Thousand* of the said Bills the Sum of *Two Shillings and Six Pence* in each of them: *Twelve Thousand* of the said Bills the Sum of *Two Shillings* in each of them: *Seventeen Thousand* of the said Bills the Sum of *Eighteen Pence* in each of them: And, *Ten Thousand Five Hundred* of the said Bills the Sum of *One Shilling* in each of them.

Contents and
Number of
the Bills.

AND the Trustees, hereafter named, shall, at the Charge of this Province, to be defrayed and paid in Bills of Credit, cause and procure the said Bills to be made and printed upon good Paper, in the Form following, and not otherwise, viz.

THIS indented Bill shall pass current for - - - - - in all Payments, according to a Law of *Pennsylvania*, dated the - - - - - Day of - - - - - in the Year of our Lord One Thousand Seven Hundred and Twenty-nine.

The Form of
the Bills.

ALL which said Bills shall be signed and numbered by *Thomas Treffe, Edward Horne, John Parry and Abraham Chapman*, or a Majority of them. And the Sums of Money that every of the said Bills is to pass for shall be printed at the Top of each Bill, in Words at length, with the Arms of *Pennsylvania* on the Left, and the Signers Names subscribed on the other Side thereof.

Signers
Names.

AND the better to prevent forged or counterfeited Bills, or any clandestine Practice, during the Printing of the Bills of Credit hereby intended to be struck, they the said Trustees, or one of them, or some other Person under their Direction; and for whose Care and Management they shall be accountable, shall personally attend the Press, during all the Time of the Printing the same Bills; and shall,

The Trustees
to attend the
Press, &c.

Z z z z

nightly,

nightly, and at such other Times as the Printing-Business is intermitted, receive into his or their Care and Charge all the Printing Plates, Types, Bills, Blotters and Papers printed off, and the same secure, in the best Manner, until the Printer proceeds in his Operation and Business aforesaid, and so from time to time until all the Bills of Credit aforesaid shall be fully printed off, and be received by the said Trustees as aforesaid.

Counterparts
how to be dis-
posed of, &c.

AND that the Counterparts of all the said Bills shall be likewise printed, and shall be numbered by the Signers, who shall deliver the same unsigned to the said Trustees for the time being, at the General Loan-Office hereby intended to be erected; where they shall remain in Books kept for that Purpose, under the Care and Charge of the said Trustees, for the trying the Truth of the original Bills whensoever there shall be Occasion: And the same Bills shall be so fashioned as may render them less liable to be counterfeited or fraudulently resembled, by putting the Figure or Shape of a Crown in *Five Shilling* Bills, two Crowns in *Ten Shilling* Bills, three Crowns in *Fifteen Shilling* Bills, and four Crowns in *Twenty Shilling* Bills. And the said Signers shall also deliver to the said Trustees, at the said Loan-Office, the Originals of all the said Bills so made forth, numbered and signed as aforesaid, not exceeding the Numbers herein before respectively limited and appointed, taking the said Trustees Receipt for the same, and charging them respectively with the Monies contained in the Bills so delivered in order to be lent out, as herein after directed.

Signers to
keep an Ac-
count of the
Bills deliver-
ed.

Their Salary.

And the said Signers shall cause to be kept a true Account of all the said Bills by them signed and delivered to the said Trustees as aforesaid; and for their Trouble, Care and Diligence in doing what is required of them by this Act, they shall each of them receive *Fifteen Shillings* for every Thousand Bills by them so signed and numbred, to be paid to each of them, his Executors, Administrators or Assigns, in Bills of Credit, to be delivered to them by the Trustees within six Days after they deliver the said Bills and Counterparts in the Loan-Office as aforesaid.

Signers to
take an Oath
or Affirmati-
on.

BUT before the said Persons, hereby appointed, or hereafter to be appointed by Virtue of this Act, to be Signers of the said Bills of Credit, presume to act therein, they shall take an Oath or Affirmation before any one Justice of the Peace for the City or County of *Philadelphia*, who is hereby impowered and required to administer the
same,

same, charging them jointly and severally, That they will well and truly number, sign and deliver all the said original Bills of Credit, and truly number and deliver all the Counterparts of the same Bills, and keep a true Account of what Bills they sign and deliver, with the Counterparts thereof, according to the Direction of this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That *Samuel Carpenter, William Fishbourn, Jeremiah Langborne and Nathaniel Newlin*, shall be and hereby are nominated and appointed Trustees for the Holding and Ordering of the said General Loan-Office, and for the Receiving and Issuing the said Bills of Credit, and taking Securities for the same, and for the Directing, Managing and Performing all other Matters and Things hereby enjoined and required to be done and transacted by them in the said Office, and relating to the said Bills of Credit, according to the Direction and true Meaning of this Act.

Trustees
Names.

AND if any of the said Trustees shall happen to die or be removed for Misdemeanor, or for not Acting, it shall be lawful for the Assembly of this Province, from time to time, during the Continuance of this Act, to elect and appoint some other fit Person or Persons in the Place or Places of such Trustee or Trustees so dying, misbehaving or refusing as aforesaid. And that the Trustee or Trustees so from time to time elected and appointed, shall have the same Power and Authority as if they had been nominated and appointed by this Act.

How to be
chosen in case
of Death, &c.

AND that the Persons now or hereafter appointed Trustees by Virtue of this Act, shall be stiled, *The Trustees of the General Loan-Office of the Province of Pennsylvania*, and by that Name shall have Succession, during the Continuance of this Act; and by the Name aforesaid shall be able and capable in Law to receive, take, hold, enjoy and retain to them and their Successors in the said Trust, all such Lands, Tenements, Rents and Hereditaments, and all such Plate as shall be granted them in Mortgage for securing the Re-payment of such Sums of Money as they shall from time to time lend and issue in the said Bills of Credit; and also, to sell, grant, alien and dispose of the same Lands, Tenements, Rents, Hereditaments and Plate, in Default of Payment, as in and by this Act is provided and directed in those Cases: And by the same Name to sue and

Their Stile,
Power, &c.

and implead, be sued and impleaded, answer and to be answered in all Cases relating to the said Trust, in all Courts and other Places whatsoever, and, by the Name aforesaid, to do and execute all other Matters and Things that to them shall or may appertain to do and perform, pursuant to this Act, subject to the Provisoes, Restrictions and Limitations herein expressed.

The Days the Trustees are to give Attendance.

A N D that the said Trustees for the time being, or any three of them, shall duly attend at the said Loan-Office every third and fourth Day, commonly called *Tuesday* and *Wednesday*, in every Week, until all Demands for borrowing Money in the said Loan-Office be answered, and afterwards at such Times as their Trust and Service of the Publick may require them, during the Continuance of this Act.

Trustees Salary.

A N D such of the said Trustees as shall undertake and execute the said Trust, shall be allowed for their Service and Trouble therein after the Rate of *Ten Pounds per Annum* added to their Salaries of *Ninety Pounds* each, allowed by former Acts during the Continuance of those Acts, and after the Expiration thereof, the Sum of *Fifty Pounds* a-piece, during the Continuance of this Act, payable to each of them, his Executors, Administrators or Assigns, in the said Bills of Credit, during the Continuance of their Trust.

Trustees to give Bond, &c.

B U T the Trustees hereby appointed or hereafter to be appointed, before they receive the said Bills, or enter upon the Execution of their said Trust, shall each of them enter into a Bond to the Provincial-Treasurer for the Time being, in the Penalty of *One Thousand Pounds* each, conditioned for the due Observance of all Things required of them by this Act, and true Performance of the Trust hereby reposed in them: And shall also take an Oath or Affirmation before

And take an Oath or Affirmation.

any one Justice of the Peace for the City or County of *Philadelphia*, who is hereby impowered and required to administer the same in these Words, *to wit.*

The Form.

I A. B. will, according to the best of my Skill and Knowledge, faithfully, impartially and truly demean myself in the Discharge of the Trust committed to me by an Act of General Assembly of this Province, entitled, An Act for the Emitting and Making current *Thirty Thousand Pounds* in Bills of Credit, according to the Purport and Tenor of the said Act, so as none may be prejudiced by my Consent, Privity or Procurement.

A N D

AND BE IT FURTHER ENACTED,
That the said Trustees, after they are so qualified, shall receive into the said Office, all such and so many of the said Bills of Credit and Counterparts thereof, from the said Signers, as they may have Occasion to lend out from time to time; and thereupon shall give their Receipts for the same, and keep true Accounts as well of the said Bills which they respectively receive and issue out, as also of the Money and Bills which they shall actually receive and pay pursuant to this Act: To which several Accounts the Committee of Assembly, hereafter appointed to audit the said Trustees Accounts, shall have free Access, at all reasonable Times, to the End they be satisfied that the Sum for which Bills may be issued pursuant to this Act is not exceeded, and may be acquainted from time to time with the State of the whole Transactions and Affairs relating to the said Office.

Trustees
Duty.

AND soasmuch as the chief Intent of appointing the said Trustees, is in order to enable them to lend the said Bills on Securities of Lands at low Interest, THEREFORE IT IS FURTHER ENACTED,
That the said Trustees shall lend out to the Value of *Twenty-six Thousand Pounds* of the said Bills on Land-Security, at the Interest of *Five per Cent. per Annum*, for the Term of sixteen Years, from the Date of the said Bills, in Sums not exceeding *Three Hundred Pounds*, nor less than *Twelve Pounds Ten Shillings* to any one Person or Persons.

The Sum to
be lent out on
Land Security.

WHICH said Bills so lent shall pass in all Payments from any Person or Persons to any other Person or Persons, and shall be deemed to be good Payment for Debts, Rents, Goods, Chattels, Plate, Bargains, Sales, Specialties, Bonds, and all other Demands whatsoever, as if the same were paid in the Coins mentioned, and at the full Rates ascertained in and by the said Act of Parliament, and shall be as effectual a Bar of such Suits or Actions as shall be brought for such Debts or Demands, as if the Money had been paid at the Day and Place, according to the Condition, Defeazance or Contract, and had been so pleaded; and the Tenders and Refusal, or not receiving of the said Bills, shall be available and conclusive in Law and Equity, as if such Tenders were in the said Coins, or in the current Coins of *England*, or in any other Coin or Specie mentioned in the said Contracts upon which any such Tenders are made.

The said Bills
to pass in all
Payments, &c.

And in Dis-
charge of all
Bonds, &c.

A N D if at any time pending an Action upon any Bond, or any other Writing obligatory, the Defendant shall bring into Court, where the Action shall be depending, all the principal Money and Interest due on such Bond or Writing, with all the Costs that have been expended in any Suit or Suits in Law or Equity upon such Bonds or Writings, the said Money or Value thereof in the said Bills of Credit hereby made current, so brought into Court and offered at the Value and Rates set upon them by this Act, shall be deemed and taken to be in full Satisfaction and Discharge of the said Bond or Writing, and the Court shall forthwith give Judgment to discharge every such Defendant of and from the same accordingly.

Searches to
be free.

A N D for the better Discovery of Incumbrances, which may affect the said Securities, it shall be lawful for the said Trustees, and such as they shall appoint from time to time, to make Searches in any Office in this Province, and if there be Occasion, take Copies or Transcripts of the Dockets, or Notes of any Extents and Judgments, or of Mortgages and Entails, kept in any of the said Offices, without Paying any Fee or Reward for the same.

Trustees to
inform them-
selves of the
clear Value,
and Titles of
Land, &c.
proposed in
Security.

A N D to the End the said Trustees may be the better enabled to perform their said Trust, they shall inform themselves as well of the clear Value as of the Titles of all the Lands, Houses and Ground-Rents which shall be proposed in Security for the said Bills, so as to be satisfied that the said Lands and Ground-Rents are at least double the Value, and Houses treble the Value of the Sums requested to be lent, and then they shall receive and take the same in Mortgage accordingly.

PROVIDED, That upon all the Loans hereby intended, the Trustees shall take Care that the Borrower has an indefeazible Estate in Fee-simple in the Lands, Tenements, Rents and Hereditaments by him proposed to be mortgaged, and that they are free from former Sales, Gifts, Grants, Mortgages, Entails, and all other Incumbrances, except the Proprietary Quit-Rents, or other Rents issuing out of the same.

B U T before the Trustees shall accept of any Mortgage upon Messuages, Lands or Tenements, subject to the Payment of such Quit-Rents, Ground-Rents, Rent-Charge, or
other

other annual Payments, they shall duly consider, and, according to the best of their Skill, find out the clear Value thereof, not Reckoning the said Rents at more than sixteen, nor less than ten Years Purchase, and shall let out upon Loan to the Mortgager, one third Part of the Value aforesaid, in Bills of Credit, at the Interest and for the Term aforesaid.

AND that the Persons offering any of the said Houses, Lands, Ground-Rents or Rent-Charge to mortgage for any of the said Bills, shall, at or before the Time of executing the Deed of Mortgage, declare, upon Oath or solemn Affirmation, in the usual Form, which the Trustees or any one of them are hereby impowered and required to administer, That he or she is really seized of the Premises in his or her own Right, and to his or her own Use; and that the Lands, Houses and Ground-Rents or Rent-Charge, mentioned in the Deed by him or her to be executed, are free and clear from any former or other Gift, Grant, Mortgage, or other Incumbrance, to his or her Knowledge (excepting the Proprietary Quit-Rents, or other Charges appearing in his or her Deeds then produced) which Oath or Affirmation shall be indorsed on the Back of the Mortgage, with the Day and Year of the Caption thereof, for which the Clerk shall receive *Six Pence*, and no more.

The Persons offering Lands, &c. in Mortgage to take an Oath or Affirmation.

AND for securing the Payment of the Sums or Values so lent as above directed, the said Trustees, or any three of them, shall, in Pursuance of the Trust hereby reposed in them, and as Trustees of the General Loan-Office aforesaid, and not otherwise, take and receive Deeds of Mortgage in Fee-simple for what they lend; which being executed and acknowledged, or proved as herein after directed, shall transfer the Possession of the Lands, Houses and Hereditaments thereby granted to the said Trustees, and vest the Inheritance thereof in them and their Successors, as fully and effectually as Deeds of Feoffments with Livery and Seizin, or Deeds inrolled in any of the King's Courts at *Westminster* may or can do in *England*: In all which Deeds the Words [*Grant, Bargain and Sell*] shall amount to, and be construed and adjudged, in all Courts of Judicature, to be express Covenants to the said Trustees, their Successors and Assigns, from the Bargainer or Mortgager, for himself, his Heirs, Executors and Administrators, that the Mortgager, notwithstanding any Act done by him, was at the time of the Execution of such Deed, seized of the Hereditaments and

Trustees shall take and receive Deeds of Mortgage in Fee simple.

The general Words in Mortgages to be construed as particular Covenants.

and Premises thereby granted, of an indefeazable Estate in Fee-simple, free from all Incumbrances (Rents due to the Lord of the Fee, with the other Rents and Reservations contained in their respective Deeds, only excepted;) and for quiet Enjoyment thereof against the Mortgager, his Heirs and Assigns, and all claiming under him or the former Owners thereof; and also for a further Assurance to be made by the Mortgager, his Heirs and Assigns, as the Case may require, so that those express Covenants are not to be set down at large in any of the Mortgages, but that the said Trustees, and their Successors in the said Trust, respectively, shall and may, in any Action to be brought, assign Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Deeds.

Trustees to
sign a Receipt
for Writings.

AND the said Trustees, or some one of them, upon Acceptance of any Mortgage by them taken, shall (at the reasonable Request and Charge of the respective Mortgagers) sign a proper Receipt of all the Writings and Evidences of his Title and Estate to the mortgaged Premises left with the said Trustees.

Mortgages to
entred in a
Book, &c. an
attested Copy
thereof to be
Matter of Re-
cord.

AND that all the said Mortgages or defeazable Deeds being sealed and delivered to the said Trustees, or some of them, in Presence of two or more credible Witnesses, and proved or acknowledged before any Justice of the Peace in this Province, shall be fairly entred, at the Charge of the Mortgagers, in large Books, to be for that Purpose provided and kept by the said Trustees, as herein after directed; and an attested Copy of any of the said Deeds so entred and certified under the Hands of the said Trustees for the time being, or any three of them, shall be and is hereby declared to be Matter of Record, and shall be good Evidence to prove the Sale or Mortgage thereby mentioned to be made; which Mortgage Deeds being so entred, shall be kept by the Trustees, in some proper House or Place distant from the Place of the Records thereof, for their better Preservation and Security against Accidents.

AND the said Trustees shall, at their own proper Costs and Charges, provide the said Books of Royal or other large good Paper, well bound and covered, wherein shall be recorded all the said Deeds of Mortgage given in Security for the said Bills of Credit to be lent out as aforesaid.

AND

A N D for the more regular Management of the Affairs relating to the said Office, the Trustees are hereby impowered to chosse and imploy a fit and able Person, for whom they shall be answerable, to serve them as Clerk of the said Office, during their Pleasure: Who, for recording every one of the said Deeds, shall have the Sum of *Four Shillings*, and for every attested Copy thereof *Four Shillings*, and no more; and for every Mortgage-Deed that he draws, the Sum of *Eight Shillings*, and no more: Which said Sums are to be paid by the Mortgager, his Heirs, Executors or Administrators, in full Satisfaction of all Fees and Charges demandable by the said Clerk, for Drawing, Ingrossing and Recording the said Deeds, and Inspecting the Title of the Lands and Premises thereby mortgaged.

Trustees shall
choosse a
Clerk.

A N D the said Clerk shall also prepare a Bond of double the Mortgage-Money, for every Mortgager to execute along with their respective Deeds of Mortgage, conditioned for the Payment of the Money borrowed, with the Interest, according to the Proviso or Condition contained in every Deed of Mortgage, and shall also prepare a Warrant of Attorney, to be at the same time signed and sealed by every Mortgager, empowering such Person or Persons as the Trustees shall nominate and appoint, to acknowledge or suffer Judgment against him, his Heirs, Executors and Administrators, which they the said Trustees are hereby required to cause their Attorney to enter, in due Form of Law, in the Court of Common-Pleas for the proper County, against such Mortgager, his Heirs, Executors and Administrators, as shall make Default in the Payment of the Mortgage-Money, or any Part thereof, according to the Direction of this Act and Times of Payment specified in the Proviso contained in his Mortgage-Deed, either in Actions of Ejectments, to gain the Possession of the mortgaged Premises, or in Actions of Debt, to be brought upon any of the said Bonds for Non-Performance of the Conditions thereof, or in such Actions of Debt as the said Trustees are hereby required to bring for the Value of the Bills of Credit which happen to be received by the Mortgagers, whose Title to the Lands, Tenements or Hereditaments by them mortgaged shall prove defective, together with the Interest hereby allowed upon such Loan, and Costs of Suit. And the said Clerk shall also insert a Release of Errors in every of the said Warrants of Attorney; and for the said Bonds, Warrants of Attorney and Release of Errors, the said Clerk shall have *Two Shillings*, for the Whole, and no more.

The Clerk to
prepare a
Bond & War-
rant of Attor-
ney, &c.

The Clerk to
be qualified.

BUT before any Person so chosen to be Clerk shall enter upon the Execution of the said Office, he shall take an Oath or Affirmation before some Justice of the Peace for the City or County of *Philadelphia*, who is hereby impowered and required to administer the same in these Words.

The Form of
the Oath or
Affirmation.

I A. B. *shall truly and faithfully perform and execute the Office and Duty that is directed and required of me, according to a Law of this Province, entitled, An Act for emitting and making current Thirty Thousand Pounds, in Bills of Credit, for the better Support of Government, &c. And that I will keep a just and true Account of the Names of all such Persons as shall apply to the said Office for Bills of Credit, and will prepare and record their Deeds of Mortgage in the same Order of Time as their Applications are made, without any undue Preference, unnecessary Delay, or fraudulent Practice.*

AND BE IT FURTHER ENACTED

How the Mo-
ney shall be
paid in, &c.

by the Authority aforesaid, That the said Sums of Money so lent upon Mortgage, shall be paid in again, with the annual Interest, in the said Bills of Credit, or in current Money of *America* (or in any other Bills of Credit made current by a Law of this Province) to the Trustees of the General Loan-Office aforesaid, in Manner following, *That is to say*, One Sixteenth of the said Sum borrowed, with the whole Interest of *Five per Cent. per Annum*, shall be annually paid by the Mortgager, his Heirs, Executors or Administrators, to the said Trustees; who shall indorse the Sum received, both Principal and Interest, upon the Back of the Mortgage-Deed, and also upon the Back of the said Counterpart; for both which Indorsements, made in Manner aforesaid, they shall be paid by the Mortgager the Sum of *Six Pence* and no more.

How the
Mortgages are
to be released
at the last Pay-
ment.

AND at the last Payment of the said Money and Interest, the said Mortgage shall be discharged, and the Original as well as Mortgage-Deeds delivered by the said Trustees, from which Time the said Lands, Houses and Ground-Rents so mortgaged or engaged, shall be forever clearly acquitted and discharged; and the said Trustees shall make an Entry, in the Margin of the Inrolment of the said Mortgage, of the Day and Year of such Discharge, for which they shall be paid, by the Mortgager, the Sum of *Six Pence*, and no more; an attested Copy of which Entry of the said Discharge of such Mortgages, signed by the Majority of the said Trustees for the time being, shall be as valid

valid and effectual in Law as their Re-conveyance of the mortgaged Premises, made and executed in the usual Form, can be to the Mortgagers, their Heirs and Assigns.

PROVIDED ALSO, AND BE IT FURTHER ENACTED, That until some Default shall be made by the said respective Mortgagers, of or in Payment of the Mortgage-Money, or some Part thereof, it shall be lawful for them and their Heirs to hold and enjoy the mortgaged Premises, with the Appurtenances; any thing in the Deeds of Mortgage, or in this Act contained, to the contrary notwithstanding.

The Mortgager to keep quiet Possession, until Default made.

BUT if Default shall be made or suffered by any of the said Mortgagers, their Heirs, Executors, Administrators or Assigns, of or in Payment of any of the said yearly Payments or Sums, whether in Part of the Principal or Interest which they or any of them should have paid on the Days and Times, and in Manner and Form, as in and by their respective Deeds of Mortgage shall be specified, it shall and may be lawful to and for the said Trustees, for the time being, at their Discretion, either to take their Remedy by Course of Law, as herein above directed, and proceed to take the mortgaged Lands and Hereditaments in Execution as for other Debts, or within two Months next after the Days whereon the same ought to be paid, according to the several Provisoes or Conditions in their Deeds respectively contained, to enter upon the Lands, Houses, Rents and Hereditaments in the same Deeds specified, and expose the same to a publick Sale, and thereupon sell and convey the same Lands, Hereditaments and Premises, to the best Purchaser, and out of the Money arising by such Sale detain and keep the Monies to them due thereon, and all Costs and Charges relating thereto, returning the Overplus (if any be) to the Owners of such Lands and Hereditaments; and that then and in such Case the Owners of such Lands and Hereditaments shall stand absolutely foreclosed from all Equity of Redemption of the same.

The Trustees upon Default to sell the mortgaged Premises.

PROVIDED ALSO, That if any of the said Judgments, which warrant the Awarding of any Writs for the Sale of the said Lands, Tenements or Hereditaments, shall at any time hereafter be reversed for any Error or Errors, then and in every such case none of the said Lands, Tenements or Hereditaments so as aforesaid taken or sold, or to be taken or sold upon Executions, or any Part

Sheriff's Sale not to be avoided or released.

Part thereof, shall be restored, nor the Sheriff's Sale thereof avoided.

No Estate to go to the Vendee, but what shall appear to be mortgaged.

AND that no Sale which shall be made by Virtue of this Act, shall be extended to create any further Estate to the Vendees, than the Lands or Hereditaments so sold or delivered shall appear to be mortgaged for, by the said respective Mortgages or defeazable Deeds.

The Trustees to let Money on Plate-Security, &c.

PROVIDED ALSO, That it shall and may be lawful to and for the Trustees of the Loan-Office aforesaid, or any three of them, to let out upon Loan, in such Manner as they shall think best, any Sum of the said Bills of Credit, not exceeding the Sum of *Two Hundred Pounds* to one Person, upon Security of good Plate, to be delivered to them at the Value of *Five Shillings*, current Money of *America*, per Ounce, and at the Interest of *Five per Cent. per Annum*, to be paid in again to the said Trustees, within the Space of twelve Months, with the Interest aforesaid: And in case of Non-Payment, within one Month after Default made, to sell and dispose of the said Plate for the most it will yield, returning the Overplus (if any be) to the Owner thereof, after Payment of the Principal and Interest, with the Charges accrued thereupon.

Committee of Assembly audit the Accounts of the Loan Office, &c.

AND WHEREAS the true and regular Sinking of the said Bills of Credit will very much conduce to the keeping up the Value of the same, BE IT ENACTED by the Authority aforesaid, That a Committee of the Assembly of this Province, shall, once every Year, or oftner, as the Assembly shall think fit, be appointed to audit the Accounts of all the Monies in Bills of Credit so as aforesaid let out upon Loan to the Inhabitants of this Province, according to the Direction of this Act, and also the Sums of Money and Bills of Credit received by the said Trustees from the respective Mortgagers, their Heirs, Executors and Administrators; and shall, within one Week next after the said Accounts are so audited, affix Advertisements on the most publick Places of the City of *Philadelphia*, setting forth what Quantity of Money has been received and is in the Hands of the Trustees aforesaid, over and above what will pay the Interest due to the Publick for the Loan of the said Bills of Credit let out upon Mortgage by Virtue of this Act: Which Money shall by the said Trustees be given in Exchange for Bills of Credit made current by this Act, to any Person or Persons bringing in the same; and the said Bills

of Credit received as Part of the principal Sum lent out of the said Office in Manner aforesaid, and remaining in the Hands of the Trustees, shall, within ten Days after such Audit, be sunk and destroyed, in the Presence of the Committee who shall be appointed Auditors, they having first compared the said Bills of Credit with their Counterparts, and entered into a Book to be kept for that Purpose, the Number and Value of each Bill of Credit so sunk and destroyed.

How the yearly Quotas are to be sunk.

AND that after the aforesaid Sum of *Thirty Thousand Pounds* in the said Bills of Credit, ordered to be let out upon Loan by this Act, shall be accounted for by the said Trustees, and sunk according to the Directions of this Act, the aforesaid Trustees, their Heirs, Executors and Administrators, and every of them, shall from thenceforward stand and forever be clearly discharged and acquitted of and from all and all Manner of Security, and other or farther Demands, to be had or made for any thing by them done in Discharge and Execution of the Trust reposed in them by this Act.

After the Sum emitted shall be sunk, the Trustees are discharged.

PROVIDED ALWAYS, That if any Person or Persons, who shall take upon Loan any of the said Bills of Credit, shall see cause, at any time after the Making the said Mortgage, and before the Forfeiture and Sale thereof, to pay down the whole Principal and Interest then due, in the like publick Bills of Credit, or current Money of *America*, upon his or her so doing, such Mortgage or Security shall be released and delivered in the Manner before directed, and the Lands, Ground-Rents and Houses, in the said Mortgage-Deed contained and mortgaged, shall be forever discharged therefrom.

Any Person paying down the Principal and Interest discharges his Mortgage.

AND IT IS HEREBY DECLARED AND ENACTED, That if any Sum or Sums shall be so paid down, pursuant to this Clause, before or at any other Days or Times of Payment than what are or shall be mentioned or specified in the respective Mortgages, then and in every such Case it shall be lawful for the Trustees of the Loan-Office, by this Act directed, and they are hereby required, in the Presence of the Committee of the Assembly, to sink such Part or Parts of the principal Sums due upon the said Mortgages, when such Payments are made, as by this Act is directed in other Cases, and thereupon emit or let out upon Loan all the Residue thereof, together with such other Sums as shall arise from the Sales of Estates forfeited and sold pursuant to the said Accounts:

And the Trustees shall let out the same on Loan.

All which Sums so emitted shall be secured and made payable, with the Interest of *Five per Cent. per Annum*, at such Days and Times, and after such Manner as in and by this Act is limited, and not otherwise, so that the Payments be proportioned to the Time unexpired.

AND BE IT ENACTED by the Authority aforesaid, That the annual Interest received for the Loan of the said Bills of Credit, which shall be remaining in Money in the Hands of the said Trustees, after the Accounts audited as aforesaid, and after Salaries and Charges allowed by this Act are deducted, shall be disposed of in such Manner as the Assembly of this Province shall from time to time think fit to order and direct.

Interest of
Bills of Credit
to be disposed
of by the As-
sembly.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever shall presume to forge or counterfeit, or be Aiding or Assisting in forging or counterfeiting any of the said Bills of Credit, or utter or cause to be uttered, or offered in Payment, any Bill or Bills, knowing the same to be actually forged or counterfeited, with an Intent to defraud any other Person, and be thereof legally convicted, he, she or they so offending shall be set upon the Pillory, in some open publick Place, and there have both his or her Ears cut off, and be publicly whipped on his or her bare Back with Thirty-one Lashes well laid on, and moreover shall forfeit the Sum of *One Hundred Pounds* current Money of *America*, to be levied of the Lands and Tenements, Goods and Chattels of such Offenders; the one Half thereof to the Use of the Government, the other Half thereof to the Discoverer; and the Offender shall pay to the Party grieved double the Value of the Damage sustained by the said counterfeit Bills, together with the Costs and Charges of the Prosecution. And in case the Person or Persons so convicted have not sufficient to satisfy the Party for his or her Damage and Charges, and to pay the Forfeitures aforesaid, then in such Case the Offender or Offenders shall, by Order of the Court by which they were convicted, be sold for any Term not exceeding seven Years, for Satisfaction of the same: And in such Case the Trustees of the said Loan-Office shall reward the Discoverer and Prosecutor of such insolvent Offenders to the Value of *Five Pounds*.

Penalties on
Persons coun-
terfeiting
Bills.

How counter-
feited Bills
shall be dis-
posed of.

AND that all Magistrates, and others, into whose Hands any counterfeited Bills may happen to come, shall forthwith deliver

deliver the same to one of the Trustees of the said Loan-Office, who shall cause the Names of those that delivered them, and of the Persons from whom they were taken, to be indorsed on the Back thereof; which Bills shall be safely kept in the said Office, and be forthcoming when there may be Occasion to make Use of the same, and afterwards delivered to a Committee as aforesaid to be destroyed.

AND IT IS HEREBY DECLARED AND ENACTED by the Authority aforesaid, That this present Act shall be taken and allowed in all Courts within this Province as publick Acts, and all Judges, Justices, and other Persons concerned therein, are hereby required to take Notice thereof as such, without Pleading the same specially.

This Act to be taken and allowed in all Courts.

AND for the more Ease to the said Trustees in the Attendance on their Duty required by this Act, and the better Settling their Accounts with the said Committee; BE IT FURTHER ENACTED by the Authority aforesaid, That upon any future Emission of any Bills of Credit by Virtue of this Act, the Trustees are hereby directed and impowered so to devise the Mortgage-Deeds that the annual Quotas or Payments of the Money thereby secured be made payable on the Fifteenth Day of *October* annually, during the respective Terms or Number of Years limited for Payment thereof. And that as often as the Whole or Remainder of any principal Sum emitted by Virtue of this or any other Act for emitting Bills of Credit in this Province, shall be paid in or recovered within the Time limited for Payment thereof by the Mortgage-Deed, the Trustees are hereby required, in settling their Accounts with the Auditors aforesaid, to render Accounts as well of the Days and Times of their Receipts thereof, as also of the Days and Times when the same Sums are emitted again.

All Payments to be made the 15th of *October* annually.

Trustees to give an Account to the Auditors when they receive in and remit the Money.

AND WHEREAS the Funds provided for the Support of this Government have proved deficient, and divers Sums, claimed as Debts due from this Province, remain yet unpaid: THEREFORE BE IT ENACTED by the Authority aforesaid, That the Sum of *One Thousand Pounds*, in the said Bills of Credit, be delivered to the Provincial-Treasurer for the time being, who shall give his Receipt for the same, which Receipt shall be deemed, taken and allowed to be a good and sufficient Discharge to the said Trustees, their Heirs, Executors and Administrators, for the Sums in Bills of Credit mentioned and contained in such

1000 l. to be delivered to the Provincial Treasurer.

such Receipts, which said Bills, or so many of them as shall be needful, the Treasurer shall forthwith apply to the Paying and Discharging the several Sums of Money due and to be due and owing by any Order of Assembly of this Province. And the Residue (if any be) to be applied to the Payment of such Orders as shall be issued by this or any succeeding Assembly of this Province, and not otherwise.

How the same
shall be sunk.

AND that the said Sum of *One Thousand Pounds* hereby directed to be lent to the Provincial-Treasurer, shall be sunk by an annual Sinking and Destroying of *One Hundred Pounds* Interest-Money, arising by this Act, by the said Trustees, in Presence of a Committee of Assembly, in Manner hereby prescribed for sinking Bills of Credit in the said Loan-Office, and as this Act in like Cases directs, until the said *One Thousand Pounds* be sunk and destroyed.

AND WHEREAS it is represented by the Recorder of the City of *Philadelphia*, in Behalf of the Mayor and Commonalty of the said City, the great Necessity there is for an Alms-House, and desiring the Loan of *One Thousand Pounds* in Bills of Credit, for the Purchasing a convenient Piece of Ground, and for building the same thereupon, within the City of *Philadelphia*, for the Use of the Poor of the said City: BE IT THEREFORE ENACTED by the Authority aforesaid, That the Sum of *One Thousand Pounds*, in Bills of Credit made current by this Act, be delivered by the said Trustees to the Mayor and Commonalty of the said City of *Philadelphia*, they giving their Receipts to the Trustees for the same, and securing the Re-payment thereof by Obligation, under their Common Seal, to be given to the Trustees of the Loan-Office: Which said Bills shall be sunk by Taxes to be laid on the City for that Purpose, in the same Manner that County and City Levies are usually raised and levied, until all the said Bills of Credit so as aforesaid received on the Account and for the Use of the said City, be sunk in the Manner prescribed for sinking Bills of Credit in the said Loan-Office.

1000 l. to the
Mayor and
Commonalty,
to build an
Alms-House.

How the same
shall be sunk.

AND forasmuch as a House for the Representatives of the Freemen of this Province to meet and sit in General Assembly in the City of *Philadelphia*, is very much wanted: BE IT THEREFORE ENACTED by the Authority aforesaid, That the Sum of *Two Thousand Pounds* of Bills of Credit made current by this Act, be delivered by the Trustees of the Loan-Office to *Thomas Lawrence, Andrew Hamilton,*

2000 l. to be
delivered to
*Thomas Law-
rence, &c.* to
build a State-
House.

Hamilton and John Kearsley, who are hereby appointed for building and carrying on the same; who shall give their Receipt to the Trustees for the said Bills; which Receipt shall be deemed, taken and allowed to be a good and sufficient Discharge to the said Trustees, their Heirs, Executors and Administrators, for the Sums in Bills of Credit mentioned and contained in such Receipts. And that the said Sum of *Two Thousand Pounds*, shall be sunk by an annual Sinking and Destroying of *Two Hundred Pounds* Interest Money arising by this Act, by the said Trustees, in Presence of a Committee of Assembly, in Manner hereby prescribed for sinking Bills of Credit, in the said Loan-Office, and as this Act in like Cases directs, until the said *Two Thousand Pounds* be sunk and destroyed.

A N N O R E G N I

G E O R G I I II.

R E G I S

T E R T I O.

At a GENERAL ASSEMBLY of the Province of *Pennsylvania*, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini One Thousand Seven Hundred and Twenty-nine, in the Third Year of the Reign of our Sovereign Lord *GEORGE II.* by the Grace of *GOD*, of *Great Britain, France and Ireland*, KING, Defender of the Faith, &c. And from thence continued by Adjournment to the Twelfth of *January*, in the same Year; the following ACTS were passed, *That is to say*,

C H A P. CCCIV.

Post. 4 Geo. II.
Chap. 319. An
Act for Amend-
ment of this Act.

*An ACT for the Relief of insolvent Debtors
within the Province of Pennsylvania.*

WHEREAS in Compassion to such unhappy Persons, as by Losses and other Misfortunes have been rendered unable to pay their Debts, it is provided by an Act of Assembly of this Government, That if any Person be imprisoned for Debt, or Fines, within this Province, and have no sufficient Estate to satisfy the same, the Debtor shall make Satisfaction by Servitude, according to the Judgment of the Court; but there being no Provision made by the said Law to compel the Debtor to render any Account of his or her Estate, great Abuses have been committed by Persons claiming the Benefit of that Law, in concealing their Estates, or making them over in Trust so that no clear Discovery could be made of the same by the Creditors; and it being found by Experience that the Service of the Debtor has in nowise answered the End proposed in making the said Law: Therefore, for the Relief of such Prisoners who shall be willing to satisfy their Creditors as far as they are able, **BE IT ENACTED** by the Hon. PATRICK GORDON, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That if any Person or Persons charged in Execution for any Sum or Sums of Money, not exceeding in the Whole the Sum of *One Hundred Pounds*, from and after the *Twenty-fifth Day of March*, in the Year of our Lord *One Thousand Seven Hundred and Thirty*, shall be minded to deliver up to his, her, or their Creditors, all his, her, or their Effects, towards the Satisfaction of the Debts where-with he, she or they stand charged, it shall and may be lawful for such Prisoner to exhibit a Petition to any of the Courts of Law within this Province, from whence the Process issued upon which he, she or they was or were taken or charged in Execution, certifying the Cause or Causes of his, her or their Imprisonment, and an Account of his, her or their whole real and personal Estate, with the Dates of the Securities wherein any Part of it consists, and the Deeds or Notes relating thereunto, and the Names of the Witnesses to the same, as far as his, her or their Knowledge extends thereto: And upon such Petition the Court may, and is hereby required, by Order or Rule of Court to cause the Prisoner to be brought up, and the several

Prisoner to
exhibit a Pe-
tition, &c.

Creditors

Creditors at whose Suit he, she or they stand charged as aforesaid, and all other his or her Creditors that are or can be known to the Court, to be summoned to appear personally, or by their Attorney, in Court, at a Day to be appointed for that Purpose; and upon the Day of such Appearance, if any of the Creditors summoned refuse or neglect to appear, upon Affidavit of the due Service of such Rule or Order, or upon Affidavit made that the Creditor or Creditors are not to be found, the Court shall in a summary Way examine into the Matter of such Petition, and hear what can or shall be alledged on either Side for or against the Discharge of such Prisoner; and upon such an Examination the Court may and are hereby required to administer or tender to the Prisoner an Oath or Affirmation to the Effect following:

Creditors to
be summoned
to appear, &c.

I A. B. do solemnly (swear in the Presence of Almighty God) or, (sincerely and truly declare and affirm) that the Account by me delivered in to this Honourable Court in my Petition to this Court, doth contain a full and true Account of all my real and personal Estate, Debts, Credits and Effects whatsoever, which I, or any in Trust for me, have, or at the Time of my Imprisonment, had, or am, or was in any respect entitled to, in Possession, Remainder or Reversion (except the Wearing-Apparel and Bedding for me or my Family, and the Tools or Instruments of my Trade or Calling, not exceeding Five Pounds in Value, in the Whole;) and that I have not at any Time since my Imprisonment, or before, directly or indirectly, Sold, Leased, Assigned, or otherwise disposed, or made over in Trust, for myself, or otherwise, other than as mentioned in such Account, any Part of my Lands, Estate, Goods, Stock, Money, Debts, or other real and personal Estate, whereby to have or expect any Benefit or Profit to myself, or to defraud any of my Creditors to whom I am indebted.

The Form of
the Oath or
Affirmation.

AND in case the Prisoner shall in open Court take the said Oath or Affirmation, and upon such Examination, and his or her taking the said Oath or Affirmation the Creditors shall be satisfied with the Truth thereof, the Court may immediately order the Lands, Goods and Effects contained in such Account, or so much of them as may be sufficient to satisfy the Debts wherewith he or she is or shall be charged, together with Costs of Suit, and the Fees due to the Keeper of the Goal or Prison from which the Prisoner was brought, to be by a short Indorsement on the Back of such Petition, signed by the Prisoner, assigned to the said Creditors, or one or more of them in Trust for the rest of them, or to so some

Prisoner to assign his Effects to the Creditors, &c.

proper

And upon
such Assign-
ment to be
discharged.

Effects to be
divided a-
mong the Cre-
ditors, in Pro-
portion to
their respec-
tive Debts.
Creditors not
being satisfied
with the Oath,
&c. the Court
may remand
the Prisoner,
&c.

Creditors in-
sisting on the
Prisoner's be-
ing detained,
must pay, &c.
towards his
Maintenance.

proper Person to be by the said Court appointed in Trust for all the Creditors ; and by such Assignment the Estate, Interest and Property of the Lands, Goods, Debts and Effects so assigned, shall be vested in the Person or Persons to whom such Assignment is or shall be made, who may take Possession of, or sue for the same, in his or their own Name or Names, in like Manner as Assignees of Commissioners of Bankrupts ; to which Suit no Release of the Prisoner, his or her Executors or Administrators, or any Trustee for him or her, subsequent to such Assignment, shall be any Bar. And immediately upon such Assignment executed, the said Prisoner shall be discharged out of Custody by Order of Court ; and such Order shall be a sufficient Warrant to the Sheriff, Goaler or Keeper of such Prison, to discharge the said Prisoner if detained for the Causes mentioned in such Petition, and no other ; and he is hereby required to discharge and set him or her at Liberty forthwith without Fee ; nor shall such Sheriff or Goaler be liable to any Action of Escape, or other Suit or Information upon that Account : And the Person or Persons to whom the said Effects shall be assigned, paying the Fees to the Goaler or Keeper of the Prison, in whose Custody the Party discharged was, shall and are hereby required, to divide the Effects so assigned among the Creditors, and all the Persons for whom they shall be intrusted, in Proportion to their respective Debts. But in Case the Person or Persons, at whose Suit such Prisoner was charged in Execution, or any other Creditor, shall not be satisfied with the Truth of such Oath or Affirmation, but shall desire further Time to inform himself of the Matters contained therein, the said Court may and shall remand the said Prisoner, and direct the said Prisoner, and the Person or Persons dissatisfied with such Oath or Affirmation, to appear at another Day to be appointed by the said Court sometime within the Term next following the Time of such Examination ; and if at such second Day so to be appointed, the Creditor or Creditors dissatisfied with such Oath or Affirmation, shall make Default in appearing, or in case he or they shall appear, but shall be unable to discover any Estate or Effects of the Prisoner omitted in such his or her Petition, or to shew any Probability of his or her having been forsworn or to have declared falsely in the said Oath or Affirmation, then the said Court shall immediately cause the said Prisoner to be discharged, upon such Assignment of his or her Effects in Manner as aforesaid ; unless such Creditor or Creditors do insist upon his or her being detained in Prison, and do agree, by Writing, under his Hand, to pay and allow any Sum of Money that shall be assessed by the said Court,

not

not exceeding *Three Shillings* per Week, unto the said Prisoner, to be paid the second Day of every Week so long as he or she shall continue in Prison at his, her or their Suits; on Failure of the Payment of which weekly Sum at any Time, the said Prisoner shall forthwith, upon Application to the Court, or to any three Justices of the said Court in the Vacation, be discharged by such Order as aforesaid. But in case the said Prisoner shall refuse to take the said Oath or Affirmation, or having taken the same, shall be detected of Falsity therein, he or she shall be presently remanded.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That no Person to be discharged by this Act, shall at any Time hereafter be imprisoned by reason of any Judgment or Decree obtained for Payment of Money only, or for any Debt, Damages, Contempts, Costs, Sum or Sums of Money, contracted, occurred, occasioned, owing, or growing due, before the Time of his or her Discharge; but that upon every Arrest upon every such Judgment or Decree, or for such Debts, Damages or Contempts, Costs, Sum and Sums of Money, it shall and may be lawful for any Judge of the Court where the Process issued, upon shewing the Duplicate of such Prisoner's Discharge or Discharges, to release and discharge out of Custody such Prisoner or Prisoners as aforesaid, and the Judge is hereby impowered so to do; so as every such Prisoner or Prisoners arrested or detained upon Execution or mesne Process, do give a Warrant of Attorney to appear to every such Action, and to plead thereunto.

No Person discharged by this Act, to be hereafter imprisoned for any Debt, &c. due before his Discharge.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if any Action of Escape, or any Suit or Action be brought against any Justice or Justices of the Peace, Sheriff, Goaler or Keeper of any Prison, for Performing their Office in Pursuance of this Act, they may plead the General Issue and give this Act in Evidence; and if the Plaintiff be nonsuited, or discontinue his Action, or Verdict pass against him, or Judgment upon Demurrer, the Defendant shall have treble Costs.

Justices, Sheriff, &c. may plead the General Issue, &c.

PROVIDED, That the Discharge of any Person by virtue of this Act shall not acquit any other Person from such Debt, Sum or Sums of Money, or any Part thereof; but that all others shall be answerable for the same in such Manner as before the Passing of this Act.

AND PROVIDED, That this Act shall not extend to discharge any Person out of Prison who shall stand chargeable at the Suit of the Crown only.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, by the Authority aforesaid, That notwithstanding the Discharge of the Person of such Prisoner or Prisoners as aforesaid, all and every Debt and Debts, due or owing from the said Prisoner or Prisoners, and all and every Judgment or Judgments had and taken, and Decree obtained against him or her, shall stand and be good and effectual in the Law to all Intents and Purposes, against the Lands, Tenements, Hereditaments, Goods and Chattels of the said Prisoner so discharged as aforesaid, which he, she or they, or any other Person or Persons in Trust for him, her or them, at the Time of such Discharge hath or have, or at any Time hereafter shall or may be anyways seized or possessed of, interested in or entitled to either in Law or Equity, except his, her or their Wearing Apparel, Bedding for his, her or their Families, and Working Tools and Implements necessary for his, her or their Occupations, not exceeding the Value of *Five Pounds* in the Whole; and it shall and may be lawful to and for such Creditor or Creditors of such Prisoner or Prisoners so discharged as aforesaid, his, her or their Executors or Administrators, to take out a new Execution against the Lands, Tenements, Hereditaments, Goods and Chattels of such Prisoner or Prisoners (except as are before excepted) for the Satisfaction of his, her or their Debts, in such Sort, Manner and Form, as he, she or they might have done if the Person or Persons of such Prisoner or Prisoners had never been taken in Execution; any Act, Statute, Law or Custom to the contrary in anywise notwithstanding.

Notwithstanding the Prisoner's Discharge, Judgment to stand good against what he may hereafter possess, &c.

And the Creditors may take out a new Execution, &c.

Prisoner convicted of Perjury, shall suffer, &c.

PROVIDED ALSO, AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any such Person who shall take such Oath or Affirmation as aforesaid, shall, upon any Indictment for Perjury in any Matter or Particular contained in the said Oath or Affirmation, be convicted by his or her own Confession, or by Verdict of Twelve Men, the Person so convicted shall suffer all the Pains and Forfeitures which may by Law be inflicted on any Person convicted of wilful Perjury; and shall likewise be liable to be taken on any Process *de novo*, and charged in Execution for the said Debt, in the same Manner as if he or she had never been discharged or taken

in

in Execution before ; and shall never after have the Benefit of this Act.

PROVIDED ALSO, AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the Effects so assigned shall not extend to satisfy the whole Debts due to the Creditors of the Person or Persons so discharged, and the Fees due to the Goaler, there shall be an Abatement in Proportion, and such Goaler shall come in as a Creditor for what shall be then due to him for his Fees, in Proportion with the other Creditors.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That where there are mutual Debts between the Debtor or Debtors and his, her or their Creditors, or if either Party sue or be sued as Executor or Administrator, where there are mutual Debts between the Testator or Intestate and either Party, one Debt may be set against the other, and such Matter may be given in Evidence upon the General Issue, or pleaded in Bar as the Nature of the Case shall require ; so as at the Time of the Pleading the General Issue, where any such Debt of the Plaintiff, his Testator or Intestate, is intended to be insisted on in Evidence, Notice shall be given of the particular Sum or Debt so intended to be insisted on, and upon what Account it became due, or otherwise such Matter shall not be allowed in Evidence upon such General Issue.

Where there are mutual Debts, one may be set against the other, &c.

PROVIDED, That where any Rent shall be due from any Prisoner or Prisoners at the Time of his or their respective Discharges, no Goods or Chattels then lying or being in or upon the respective Tenements or Lands so in Lease, or liable to be distrained, shall be removed or disposed of without the Consent of the Landlord or Person to whom the Rent is due, until the same, not exceeding one Year's Rent, be paid or satisfied ; and that the Landlord may use all lawful Ways for the having and recovering his Rent, so as the same exceed not one Year's Rent, by Distress or otherwise, as he might have had or could have done before the making of this Act ; any thing herein contained to the contrary in anywise notwithstanding.

Landlords may recover one Year's Rent, as before this Act.

AND PROVIDED ALSO, That this Act shall not bar any absent or distant Creditor, who had not Notice of the Prisoner's Application to the Court as aforesaid.

No absent or distant Creditor barred by this Act.

AND

AND WHEREAS, by an Act of Assembly of this Province, entituled, *An Act for better determining Debts and Demands under Forty Shillings*, Power is given to any one Justice of the Peace, to hear and determine any Debt or Demand under *Forty Shillings*, and upon Judgment given to award Execution against the Body and Goods or Effects of the Defendant; in Pursuance of the Execution of which Law many poor Persons have been taken and imprisoned a long Time for very small Sums of Money, to the utter Ruin of their Families, and without any real Benefit to the Creditors; And soasmuch as it will be a very great Hardship and Charge upon a poor Prisoner confined for a small Debt, to oblige him or her to apply to be discharged in the Manner directed by this Act for Persons imprisoned for a greater Sum; THEREFORE, for the Ease of such poor Persons, BE IT ENACTED by the Authority aforesaid, That where any Person or Persons shall be charged in Execution for any Sum of Money not exceeding in the Whole the Sum of *Forty Shillings*, besides Costs of Suit, such Person or Persons may, by Petition, apply to any two Justices of the Peace of the County or City where he or she is imprisoned, and therein set forth the Truth of his or her Case, with a true Account of his or her whole Effects; which Justices shall thereupon give reasonable Notice to the Plaintiff or Creditor to appear before them at a certain Day and Place, to shew if that the said Debtor or Debtors have some Effects that he or she will not discover and yield up for Payment of the Debt and Costs; at which Day the Defendant or Defendants shall make such Oath or Affirmation as in the Case of other Debtors is by this Act directed to be taken, the Word *Five Pounds* in the said Oath only excepted; and the Word *Twenty Shillings* in the Case of a single Person, and the Word *Fifty Shillings* in the Case of a married Person, to be taken or inserted instead thereof. And if the Plaintiff or Creditors shall, upon Notice given as aforesaid, neglect or refuse to appear, or appearing and not making out to the said Justices that the Debtor hath omitted to discover some of his or her Effects in his or her Petition, or to shew any Probability of his or her being forsworn in the said Oath or Affirmation, then the said Justices shall immediately cause the said Prisoner to be discharged, upon his or making an Assignment to the Plaintiff, on the said Petition, of all the Effects contained therein, the Wearing Apparel, to the Value of *Twenty Shillings*, if a single Person, and to the Value of *Fifty Shillings*, if a married Person, only excepted; and the Persons of the Debtor or Debtors shall never after be arrested for the same Debt or Costs.

How Prisoners
for Debt under
*Forty Shil-
lings* may be
relieved.

AND

quors aforefaid, the Rates and Duties whereof (by this Act imposed) do not amount to the Value of *Three Pounds per Annum*, and fo in Proportion for a leffer Time, unlefs fuch Retailer or Retailers, at the Time of their obtaining fuch Permit as aforefaid, will undertake and give Security (if thereunto required by the faid Collectors refpectively) well and truly to pay fo much to the faid Collectors as fhall make up the Rates and Duties by this Act imposed, the Sum of *Three Pounds per Annum*, and fo proportionably for a longer or shorter Time.

Not lefs than
Three Pounds
per Annum.

A N D all fuch Retailers, and every of them, are hereby enjoined once in every Three Months, or oftner if required, to make true and particular Entries with the Collectors or their Deputies aforefaid refpectively, upon Oath or Affirmation, (which the faid Collectors or their Deputies are hereby fully empowered to adminifter) of all Wine, Rum, Brandy and other Spirits, which they or any of them fhall have vended, bartered or retailed within that time, and fo from time to time during the Continuance of this Act: And fhall and are hereby required to account and pay to the faid Collectors or their Deputies, refpectively, once in every Three Months or oftner if required, all fuch Sum and Sums of Money, as fhall become due and payable by Virtue of this Act.

Retailers to
make Payment
once in 3 Mon.

A N D B E I T F U R T H E R E N A C T E D by the Authority aforefaid, That all and every Retailer of all or any of the Liquors aforefaid, fhall on the Entry of their Names and Places of Abode with the Officers aforefaid, give unto the faid Collectors or their Deputies, an exact and true Account of all Wine, Rum, Brandy and other Spirits, which fhall be in their Poffeffion at the Time of Entry aforefaid, and of whom purchafed; and fhall alfo from time to time after the firft Day of *September* next, before they take into their Houfes, Shops, Cellars, Vaults or Stores, any Cask or Quantity of Liquors liable to pay the Duties imposed by this Act, make Entry of all and every fuch Cask or Quantity of Liquors, with the Collectors aforefaid or their Deputies, refpectively, with the Marks, Numbers and Contents thereof, and of whom purchafed; and fhall receive from him a Certificate or Duplicate of fuch Entry, if required by the Party; for which Entry and Certificate the faid Retailer fhall pay *Sixpence*, and no more.

True Account
of Liquors to
be given the
Col.

AND BE IT FURTHER ENACTED

Penalty on Retailers not entering, &c.

by the Authority aforesaid, That if any Retailer shall presume to retail, draw, sell or barter any of the Liquors aforesaid, without having first entered his or her Name and Place of Abode with the Collectors or their Deputies, as this Act directs, every such Retailer shall forfeit and pay the Sum of *Five Pounds*, over and above the Duties for all such Liquors retailed by them as aforesaid. Or if after such Entry made, any such Retailer shall refuse or neglect to make true and particular Entries every three Months, as directed by this Act; or shall refuse or neglect to account with or pay to the said Collectors, or their Deputies, what shall appear to be due by this Act, upon the Entries made by them as aforesaid, once in every Three Months or oftener if thereunto required, every such Retailer shall forfeit and pay for so neglecting or refusing to enter the Liquors drawn every Three Months respectively, and to account and pay as aforesaid, for the First Offence the Sum of *Forty Shillings*, and for the Second Offence *Five Pounds*, and have their Permit or Licence taken away, and are hereby declared incapable of Retailing or Selling any of the Liquors aforesaid, during the Continuance of this Act. And if the Person or Persons liable to pay the Duties arising upon selling or retailing of the Liquors mentioned in this Act, shall neglect or refuse to pay the same in the manner and at the times herein limited and appointed, by the Space of Ten Days after the same ought to be paid, it shall and may be lawful for the said Collectors respectively, by Virtue of a special Warrant for that purpose, signed and sealed by any one Justice of the Peace of the City or County where the Offence is committed, to empower the said Collector to levy the same by Distress and Sale of the Goods and Chattels of the Offender, rendring the Overplus if any be, to the Owner or Owners, after reasonable Charges deducted.

Penalties for neglecting to pay, &c.

Liquors not truly entred, to be seized.

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That if any Person shall make short or fraudulent Entries of the Liquors in his or her Possession as aforesaid, or shall neglect or refuse to enter and take Permits for such Liquors as he or she shall receive into his or her House, Shop, Cellar, Vault, Store or other Place, after the said first Day of *September* next, all such Liquors not entred as aforesaid, shall be forfeited; and the Collectors hereafter named, or their Deputies, are hereby respectively empowered to enter at any time when they shall see convenient, the House, Cellar, Vault, Store or Shop

Shop of any Retailer, and to compare the Liquors in such House, Cellar, Vault, Shop or Store with the Entries made, and to seize and take away all such Liquors as shall be found not truly entred as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Collectors or their Deputies may enter into any House, Cellar, Vault, Store or other Room, to search, examine, and gauge the Liquors of any Person retailing, with or without Licence or Permit, as often as he or they shall see fit; and upon their refusing him Liberty so to do, he may force and break open Doors to gauge and examine the same; and in Case of Opposition, if necessity requires, shall take to his Assistance the Sheriff or one or more Constables of the Town or County respectively, who without any other Warrant are hereby, under the Penalty of *Five Pounds* for every Refusal or Neglect, required to be aiding and assisting to the said Collectors, and their Deputies, therein, for the better and more effectual collecting the Duties, Penalties and Forfeitures imposed by this Act.

Collectors may enter Houses, &c. to search, &c.

PROVIDED ALWAYS, That there shall be allowed by the Collectors or their Deputies, unto the several Retailers of the Liquors aforesaid, *Fifteen per Cent.* for Leakage and Wastage; and if any Cask should happen to start or burst, no Duties shall be reckon'd for so much of the said Liquors as such Retailers shall prove was lost thereby.

Allowance for Leakage, &c.

AND BE IT ENACTED by the Authority aforesaid, That *Joseph Wharton*, of *Philadelphia*, Gent. shall be and is hereby appointed Collector of the Excise, &c. within the City and County of *Philadelphia*; and that *William Atkinson* of *Bucks* County, Gent. shall be and is hereby appointed Collector of the Excise, &c. for the County of *Bucks*; and that *Thomas Cummings* of *Chester* County, Gent. shall be and is hereby appointed Collector of the Excise, &c. for the County of *Chester*; and that *Jame Mitchel* of *Lancaster* County, Gent. shall be and is hereby appointed Collector of the Excise, &c. for the County of *Lancaster*; which said several Collectors are hereby severally empowered, by themselves, or their Deputies, to be by them duly constituted, and for whom they shall be accountable, to demand, collect, receive, and recover the Excise appointed to be paid by this Act, of and from all and every

Collectors Names.

every Person or Persons (within their respective Counties and Places for which they are appointed) retailing or vending any of the Liquors by this Act liable to pay the Duties aforefaid, and alfo to recover and receive all and every the Duties, Fines and Forfeitures laid or impofed, or that fhall happen to arife or become due for any thing done contrary to the true Intent and Meaning of this Act.

Collectors to
keep fair Ac-
counts.

A N D the faid Collectors are hereby required to keep true and fair Accounts in Writing, of all their Doings in the Premiffes, which Accounts they fhall, when thereunto required, fubmit to the View and Infpection of the Provincial Treafurer, for the Time being; and thereupon fettle and adjust the faid Accounts, and alfo lay the fame before the Affembly of this Province, when and fo often as they fhall be thereunto required.

And to make
Payment to
the Treafurer.

A N D the faid Collectors and each of them fhall once in Three Months, or oftener if required, pay unto the Provincial Treafurer all fuch Sums Money as they fhall receive by Virtue of this Act, (to be difpofed of as the Affembly of this Province fhall think fit to direct) deducting out of the fame *Ten per Cent.* for all Sums by them received in the Counties of *Bucks, Chefter, and Lancafter*, and *Seven and a Half* for the County and City of *Philadelphia*, for their Trouble and Care in Collecting and Paying the fame, and deducting alfo one Moiety of all the Forfeitures by them recovered for any Offence committed againft this Act, after Charges paid and fatisfied; and fhall be further allowed in the final adjusting their Accounts with the Affemblies of this Province, all reasonable Charges which may have accrued in profecuting Persons offending againft this Act.

Collectors may
be diftrained
on, and may
alfo diftrain.

A N D B E I T F U R T H E R E N A C T E D by the Authority aforefaid, That if the faid Collectors, or any of them, fhall refufe or neglect to collect the faid Excife refpectively, or any Part thereof, and pay the fame unto the Provincial Treafurer within the Time limited in this Act, every fuch Collector, fo refufing or neglecting, fhall pay all the Arrearages of fuch Excife which he ought to have collected; which fhall be levied by a Warrant under the Hand and Seal of any two Magiftrates of the City of *Philadelphia*, for the time being (whereof the Mayor or Recorder always to be one) or of any two Magiftrates of the refpective Counties, where the Offence is committed, directed

C H A P. CCCV.

An ACT for lending the Sum of Three Hundred Pounds in Bills of Credit, for building a Prison and Court-House in Lancaster County, &c. Obsolete.

C H A P. CCCVI.

An ACT imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into the Province of Pennsylvania.

WHEREAS many Persons trading into this Province have, for Lucre and private Gain, imported, sold or disposed of, and daily do import Preamble.

Passengers and Servants into this Province, who, by Reason of Age, Impotency or Idleness, have become a heavy Burthen and Charge upon the Inhabitants thereof; and likewise do frequently import divers Persons convicted of heinous Crimes, who soon after their coming into this Province do often commit many Felonies, Robberies, Thefts and Burglaries, to the great Hurt of His Majesty's Subjects trading to and inhabiting the same: **BE IT THEREFORE ENACTED** by the Honourable **PATRICK GORDON**, Esq; Lieut. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Masters of Vessels, Merchants or others, who shall import, land or bring into any Port or Place belonging to this Province, at any Time after the Publication of this Act, any Person in the Condition of a Servant or otherwise, within the Intent and Meaning of this Act, who hath been convicted of any Murder, Burglary, Rape, Sodomy, Forgery, Perjury, or any Felony, at any Time before such Importation or coming into this Province; shall, before the said Convicts be landed or put on Shore, pay the Sum of *Five Pounds* for every such Convict so imported or otherwise brought in; one Moiety thereof to the Governor for Support of Government, and the other Moiety to the Collector appointed by this Act, or the Informer; and shall further become bound, with good and

Importer of
Convicts to
pay 5 l. per
Head.

sufficient Security to the Treasurer of this Province for the Time being, in the Sum of *Fifty Pounds*, for the Good-Behaviour of such convict Person, for the Space of one Year next after his or her Importation or coming into this Province.

AND WHEREAS it hath been a Practice for Masters of Vessels, Merchants and others trading into this Province, with Intent to avoid complying with the Payment of the Duties, and giving the Security required by former Acts of Assembly of this Province, made to prevent the Importation of Convicts, and poor and impotent Persons, to land their Passengers, Servants and Convicts in some of the adjacent Governments; which Passengers, Servants, impotent People and Convicts have afterwards been secretly brought into this Province; THEREFORE, to prevent such Practices for the future, BE IT ENACTED by the Authority aforesaid, That if any such Convict as aforesaid, or Servant or Passenger being poor and impotent Persons, shall be imported into the River *Delaware* after the Publication of this Act, and shall be found within this Province at any Time within the Space of twelve Months next after their being imported as aforesaid, whether such Persons were landed within this Government or elsewhere, it shall and may be lawful for the Collector of the Duties appointed by this Act, or his Deputy for the time being, and for any Justice of the Peace, or principal Magistrate or Magistrates of any City or County or Town within this Province, to cause to be apprehended, taken up, and to examine upon Oath or Affirmation, all such Convicts as aforesaid, or Passengers and Servants being poor and impotent Persons, and all other Persons who may be supposed to be able to make any Discovery of the Time and Manner of their being imported or coming into this Province, and from whence they came last; how long they have been come from Parts beyond the Seas; of what Country, and in what Vessel, and who was Master or Merchant of such Vessel, and whether such Vessel at the Time of such Person or Persons being shipp'd, or coming on board was bound to, or designed for *Pennsylvania*; and whether such Person or Persons ship'd themselves with Intent to come into this Province; And if upon Examination it shall appear to any two Justices of the Peace within this Province, or to the Mayor and Recorder, or either of them, with any one of the Aldermen of the City of *Philadelphia*, that the said Persons were ship'd or took their Passages for

Convicts, &c. if found in this Province within twelve Months after their Importation, may be apprehended and examined, &c.

Penn-

Pennsylvania; then the said Magistrates before whom such Examination is taken, shall demand and compel the Persons, if Convicts, immediately to comply with the Directions of this Act, by paying the Duties hereby imposed on them, and giving the Security, directed in the Case of Convicts by this Act; and shall be, and are hereby impowered and required to send for the Master and Merchant of such Vessel, or either of them, in which the said Persons were supposed to be imported, and to examine such Master or Merchant upon their Oath or Affirmation, concerning the said Passengers, Servants or Convicts, and their Importation or coming into this Province: And if it shall appear that the said Persons so apprehended, or any other Persons being Convicts as aforesaid, were ship'd or taken on board to be imported into *Pennsylvania*, and put on shore, or permitted to go on shore by such Master or Merchant in any other Government upon the River *Delaware*, or upon any Place or Island within the said River, without making Report and complying with the Directions of this Act; then in such Case the said Master or Merchant shall be obliged forthwith to give Security for his Appearance at the next Court of General Quarter-Sessions of the Peace, to be held for the City or County where such Examination is taken; and if upon Presentment, or Information, he or they shall be legally convicted of such fraudulent Practice, he, she or they so offending, shall forfeit the Sum of *Twenty Pounds* for every Person so by him or them brought in as aforesaid, and put, or permitted to be put on shore, and afterwards at any Time within the Space of Twelve Months next after their being landed or put on shore, shall be found within this Province, without making such Entry and paying the Duties, and giving the Security required by this Act; one half to the Governor, and the other to the Collector or Informer; and shall further pay the same Duties, and give the same Security for such Convicts as aforesaid, as if such Persons had been imported into this Province, and Report thereof made according to the Direction of this Act.

And shall be compelled immediately to comply with the Directions of this Act.

Penalty on Master or Merchant convicted of acting contrary to this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That upon Information given to the Mayor and Recorder of the City of *Philadelphia* for the Time being, or the Mayor, or Recorder, together with one of the Aldermen of the said City, or to any two Justices of the Peace of any County within this Province, that any old Persons, Infants, maimed, lunatick, or any vagabond or vagrant Persons are imported, come or are brought into

into this Province ; the said Mayor, Recorder and Aldermen, or any two of them as aforesaid, or any two Justices of the Peace of the respective Counties where such Persons shall be found, shall cause such aged Persons, Infants, or impotent or vagrant Persons to be brought before them ; and if upon Examination, they shall judge that such Person or Persons are likely to become chargeable to the City, Town, or County where they are found, or were imported, it shall and may be lawful for the said Mayor, Recorder and Aldermen, or any two Justices of the Peace as aforesaid, by Warrant or otherwise, to send for the Master, Merchant, or other Person who imported any such Infant, lunatick, aged, maimed, impotent or vagrant Person or Persons, as aforesaid, as are likely to become chargeable as aforesaid ; and upon Proof made of their being the Importers or Owners of such infant, lunatick, aged, maimed, impotent or vagrant Persons, who shall be judged to be likely to become chargeable as aforesaid, the said Mayor, Recorder and Aldermen, or any two of them as aforesaid, or any two Justices as aforesaid, shall and may compel the said Master, Merchant, or Importer of such Infant, lunatick, maimed, aged, impotent or vagrant Person or Persons, to give sufficient Security to carry and transport such Infant, lunatick, maimed, aged, impotent or vagrant Person or Persons, to the Place or Places from whence such Person or Persons were imported, or otherwise to indemnify the Inhabitants of this Province from any Charge that may come or be brought upon them by such Infant, lunatick, maimed, aged, impotent, or vagrant Person or Persons coming into or living within this Province.

Importer of Persons likely to become chargeable, shall give Security to indemnify the Province.

Persons apprehending themselves aggrieved by the Judgment of Justices, may appeal to the Court of Quarter-Sessions.

PROVIDED ALWAYS, That if any Person or Persons shall apprehend him or themselves aggrieved with any such Order or Judgment of the Justice or Justices of the Peace, or other Magistrates who shall make the same, the Person or Persons so aggrieved may appeal to the next Court of General Quarter-Sessions of the Peace to be held for the City or County where such Order shall be made, whose Judgment then shall be final ; but before such Appeal be allowed of, the Person or Persons appealing shall enter into a Recognizance, with one good Surety at least, to pay the Costs and Charges of such Appeal, in case the said Order shall happen to be confirmed.

AND for the better Discovery of such Convicts, and poor and impotent or idle and vagrant Persons, who shall hereafter

hereafter be imported into, and shall be likely to become chargeable to the Inhabitants of this Province; **BE IT FURTHER ENACTED** by the Authority aforesaid, That all Masters of Vessels, Merchants and others, who shall hereafter bring into any Port or Place belonging to this Province, by Land or by Water, any Men or Women Passengers, or Servants, shall within the Space of Twenty-four Hours after their Arrival into any Port or Place of this Province, forthwith make Entry, and give, or cause to be given upon Oath or Affirmation, to the Collector of the said Duty for the time being, a true and just Account of all the Names of the Servants and Passengers so imported or brought in; which Account the said Collector shall duly enter, and shall forthwith give Notice thereof to the Mayor of *Philadelphia* for the time being, if such Servants, Passengers, &c. are designed to be landed at *Philadelphia*; or to any two or more of his Majesty's Justices of the Peace for the Town or County where such Servants or Passengers shall be imported; and the said Mayor or Justices as aforesaid, are hereby empowered and enjoined, immediately by Warrant or otherwise, to call before them the said Master, Merchant, or other Person or Persons importing such Servant or Servants, or Passengers as aforesaid, and to examine upon Oath or Affirmation, the said Master, Merchant, and all other Persons who may be supposed to have any Knowledge of the Character and Circumstances of such Servants or Passengers, and thereupon shall grant unto the Master, Merchant or Owner, or other Person having the Charge or Care of any Servant or Servants, or Passengers so imported or brought into this Province, a Certificate containing the Names of all the Servants, or Passengers, which such Justices shall judge fit to be landed, or disposed of as Servants, and do not appear to them to have been formerly convicted of any of the Crimes mentioned in this Act; or such as do not appear to them to be such Infants, Lunatick, maimed, aged, impotent or vagrant Persons, as they shall judge likely to become chargeable to the Inhabitants of this Province; for which Examination, Permit and Certificate, there shall be paid to the Mayor or Justices aforesaid, the Sum of *Nine Pence per Head*; and to the Collector, the Sum of *Nine Pence* for every Person so imported; and there shall likewise be paid to the Collector, for each Bond he shall take in Pursuance of any thing required to be done by Virtue of this Act, the Sum of *Two Skillings and Six-Pence*, and no more.

Masters of Vessels, Merchants, &c. to give an Account upon Oath of the Names of all Servants, Passengers, &c.

Justices may give a Certificate, containing the Names of such Servants or Passengers as they judge fit to be landed.

Justices and Collector's Fees.

PROVIDED NEVERTHELESS, And it is hereby further Enacted, That if after such Examination taken, and Certificate granted as aforesaid, it shall be made appear, that any of the said Persons so landed or imported are Convicts, the Master, Merchant, or other Person, who imported such Convict or Convicts, shall be liable to pay the same Duty, and give the same Security as if no such Examination had been taken or Certificate granted; any thing in this Act contained to the contrary notwithstanding.

Duty to be paid, &c. not withstanding the Certificate granted, if it appears that any of the Persons imported are Convicts

AND if any Servant or Servants, or Convict, or other Person, shall be imported or brought into and landed in any Port or Place within this Province, without making such Entry as aforesaid in the Manner before directed, and paying the Duty and giving the Security required by this Act, and within the Time limited by this Act for that Purpose, and obtaining such Certificate from the Mayor or Justices as aforesaid, every such Master of a Vessel, Merchant, and other Person so importing, bringing in, or landing such Servants or other Persons, shall forfeit and pay for each Servant, or other Person so imported, brought in, or landed contrary to the Directions of this Act, the Sum of *Ten Pounds*; one Half, after the Charge of Prosecution deducted, to the Governor for the Support of Government; and the other Half, after such Charges deducted as aforesaid, to the Collector, or to such Person or Persons who will sue for the same in any Court of Record in this Province, by Bill, Complaint or Information, wherein no Effoin, Protection or Wager of Law shall be allowed.

Persons obliged to make Entry shall apply to the Collector.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Persons obliged by this Act to make Entry as aforesaid, shall apply to *Charles Read*, of *Philadelphia*, Merchant, who is hereby appointed the present Collector of the said Duty hereby imposed, without any Notice or Request made by him for their so doing; and the said Collector is hereby further empowered to receive, collect, demand and recover from all Persons importing, landing or bringing in any Servant or Servants, or other Persons, into any Port or Place within this Province, all Forfeitures and Penalties herein before appointed to be set, imposed and levied by Virtue of this Act.

Two former Acts repealed. *Ant. Cap 298. 2 Geo. II.*

AND BE IT FURTHER ENACTED, That one Act of General Assembly of this Province, entitled, *An Act for imposing a Duty upon Persons convicted of* *bananas*

heinous Crimes, and imported into this Province, &c. and one other Act of General Assembly, entituled, *An Act laying a Duty on Foreigners and Irish Servants*, &c. imported into the said Province, be and are hereby repealed and made void.

PROVIDED ALWAYS, That nothing herein contained, shall extend or be construed to extend to discharge any Sum of Money or other Duty payable by the aforesaid two recited Acts of Assembly, or either of them; but that the aforesaid Acts, as to the Recovery of any Sum or Sums of Money, Duty or Penalty, forfeited, become due, or payable before the first Day of this Instant *January*, by Virtue of or by Breach of the aforesaid Acts, or either of them, do and shall continue and remain in full Force, until the said Sums of Money, Duty, or Forfeitures be effectually levied, recovered and received.

Duties, &c.
now payable
by former
Acts, not
hereby dis-
charged.

AND WHEREAS by a Law of this Province, *For the better Regulation of Servants*, it is provided, That no Servant shall be assigned over to any Person but in Presence of one Justice of the Peace;

BE IT FURTHER ENACTED by the Authority aforesaid, That all Sales or Assignments of Servants within the City of *Philadelphia*, shall be made before the Mayor of the said City for the time being; or in Case of his Neglect or Absence, then before the Recorder of the said City, and before no other Person or Persons whatsoever; under the Penalty of *Ten Pounds*, to be levied as in the said Act is directed.

All Sales or
Assignments
of Servants in
Philadelphia,
to be before
the Mayor,
&c.

AND the said Mayor and Recorder shall, and are hereby enjoined, to keep a Register or Registers of the Names of such Servants, and by whom and to whom assigned, and the Term of Years mentioned in the Indenture, with the Date or Time of Assignment. And the said Mayor shall, at his going out of his Mayoralty, deliver the Register or Registers aforesaid to his Successor, to be carefully kept, to the End that all Persons concerned may readily have Access to the same.

Who is to
keep a Regi-
ster, &c.

C H A P. CCCVII.

An ACT for continuing the Encouragement for raising good Hemp within this Province, and imposing certain Penalties on Persons manufacturing or winding-up unfixed and unmerchable Hemp into Cordage and Cables. Repealed.

C H A P. CCCVIII.

An ACT laying an Excise on all Wine, Rum, Brandy, and other Spirits, retailed in this Province. Expired.

C H A P. CCCIX.

A Supplement to the Act entituled, An Act for Preventing clandestine Marriages.

Preamble.

WH E R E A S the good Intention of an Act of Assembly of this Province, entituled, *An Act for preventing clandestine Marriages*, hath been very much eluded, by reason that no proper Penalty is by the said Law imposed upon the Justice of Peace or other Persons marrying or joining in Marriage any Persons contrary to the Intent and Meaning of the said Act; *For the Remedying whereof,*

No Justice shall subscribe his Name to any Publication of Marriage, unless,

No Person to publish the Banns of Matrimony, unless,

B E I T E N A C T E D by the Honourable *PATRICK GORDON*, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That no Justice of the Peace shall subscribe his Name to the Publication of any Marriage within this Province, intended to be had between any Persons whatsoever, unless one of the Persons, at least, live in the County where such Justice dwells, and unless such Justice shall likewise have first produced to him a Certificate of the Consent of the Parent or Parents, Guardian or Guardians, Master or Mistress, of the Persons whose Names or Banns are to be so published, if either of the Parties be under the Age of Twenty-one Years, or under the Tuition of their Parents, or be indented Servants, if such Parent, Guardian, Master or Mistress live within this Province, or can be consulted with; And also that no Person or Persons of what Character or Degree soever he be, presume to publish the Banns of Matrimony or Intentions of Marriage between any Person or Persons, in any Church, Chappel, or other Place of Worship within this Province, unless one of the Parties at least live in the Town, County or City, where such Publication shall be made; and unless the Person or Persons making or causing to be made such Publication, shall have received such

such Certificate of the Consent of the Parent, Guardian, Master or Mistress, as is herein before directed, if the Parties who ought to grant such Certificate live within this Province.

A N D if any Justice of the Peace, Clergyman, Minister, or other Person, shall take upon him or them to join in Marriage any Person or Persons, or if any Justice of the Peace shall be present at and subscribe his Name as a Witness to any Marriage within this Province, without such Publication being first made as aforesaid, such Justice of Peace, Clergyman, Minister, or other Person, taking upon him to sign, make, or cause to be made, any Publication contrary to the Directions of this Act, or shall marry or join in Marriage any Person or Persons not published, as in the aforesaid Act of Assembly and by this Act is directed, every Justice of Peace, Clergyman, Minister, or other Person so offending, shall, for every such Offence, forfeit the Sum of *Fifty Pounds*, to be recovered in any Court of Record within this Province, by Bill, Complaint or Information, by the Person or Persons griev'd, if they will sue for the same; wherein no Effoin, Protection or Wager of Law, nor any more than one Imparllance shall be allowed.

Penalty on Justice, Clergyman, &c. acting contrary to the Directions of this Act.

Fifty Pounds.

P R O V I D E D, That nothing herein contained shall be deemed to extend to any Person who shall be married in the Religious Society to which they belong, so as Notice be given to the Parent or Parents, Guardian or Guardians, Masters or Mistresses, of the Person or Persons so to be married (if such Parent, Guardian, Master or Mistress live within this Province) at least twenty Days before such Marriage be solemnized; nor that this Law shall extend to any Person marrying by the Authority of any lawful Licence, so as such Consent or Approbation in Writing of the Parent or Parents, Guardian or Guardians, Masters or Mistresses, as by this Act is directed, be first had, and the same Consent be certified in the Body of the said Licence; any thing herein or in the aforesaid Act of Assembly contained to the contrary notwithstanding.

Marrying in Religious Societies nor forbid by this Act, so as Notice be given, &c.

Consent Parents, &c. to be certified in Licences.

C H A P. CCCX.

*A Supplementary A C T to an A c t of Assembly of
this Province, entituled, An A c t againſt buying
Land of the Natives.*

Preamble.

WHEREAS divers Laws have from time to time been enacted in this Province, for preſerving Peace, and cultivating a good Underſtanding with the Indian Natives thereof: **AND WHEREAS** notwithstanding the Proviſion made by the ſaid former A c t againſt purchaſing Land of the ſaid Natives, without Leave from the Proprietor, the Peace of the Publick has been and may further be endangered by the Proceedings of ſome Perſons, who, to elude the ſaid A c t now in Force againſt ſuch Practices, do, contrary to the Intention thereof, pretend to take Land of the Natives on Leaſe or for Term of Years, or to bargain with the Indians for the Herbage, or for the Timber or Trees, Mines or Waters thereof; and others who without any Authority have ſettled upon and taken Poſſeſſion of vacant Lands, as well to the manifeſt Controvention of the Royal Grant of the Soil of this Province from the Crown to the Proprietor and his Heirs, and the apparent Damage of ſuch Perſons who have Right to take up Lands heretofore granted to them within this Province, as to the laying a Foundation for Diſputes, Miſunderſtandings and Breaches with the ſaid Natives and others: For the Prevention whereof, **B E I T ENACTED** by the Hon. *PATRICK GORDON*, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, &c. by and with the Advice and Conſent of the Representatives of the Freemen of the ſaid Province in General Aſſembly met, and by the Authority of the ſame, That no Perſon or Perſons, Bodies politick or corporate whatſoever, ſhall at any time hereafter, for any Cauſe or Conſideration, or on any Pretence whatſoever, preſume to purchaſe, bargain, contract for, have or take, of or from any Indian Native or Natives, by any Manner of Gift, Grant, Bargain, or Sale in Fee-ſimple, or for Life, Lives, Terms of Years, or any Eſtate whatſoever, any Lands, Tenements or Hereditaments within the Limits of this Province, or any Manner of Right, Title, Intereſt or Claim, in or to any ſuch Lands, Tenements or Hereditaments, or in or to any Herbage, Trees, Fiſhings, Rivers, Waters, Mines, Minerals, Quarries, Rights, Liberties or Privileges, of or belonging unto any ſuch Lands, Tenements or Hereditaments,

No Lands,
&c. to be
hereafter purchaſed of the
Natives.

ments, without the Order or Direction of the Proprietary or Proprietaries of this Province, or of his or their Proprietary Commissioners or Deputies, authorised and appointed, or to be authorised and appointed for the Management of the Proprietary Affairs of this Province, for and in Behalf of the Proprietor or Proprietors thereof for the time being; and that every Gift, Grant, Bargain, Sale, written or verbal Contract or Agreement, and every pretended Conveyance, Lease, Demise, and every other Assurance made, or that shall be hereafter made with any of the said Indian Natives, for any such Lands, Tenements or Hereditaments, Herbage, Trees, Rivers, Waters, Fishings, Mines, Minerals, Quarries, Rights, Liberties or Privileges whatsoever, within the Limits of this Province, without the Order and Direction of the Proprietor or his Commissioners as aforesaid, shall be and is hereby declared and enacted to be null, void, and of no Effect, to all Intents, Constructions and Purposes in the Law whatsoever: And that as well the Grantee, Bargainee, Lessee, Purchaser, or Person pretending to bargain or to have bargain'd or agreed with any Indian Native as aforesaid, contrary to the true Intent and Meaning of this Act, as all and every Person or Persons entring into and taking Possession of any Lands within the Province of *Pennsylvania*, not located or surveyed by some Warrant or Order from the Proprietary or Proprietaries, his or their Agents or Commissioners as aforesaid, to the Person or Persons possessing the said Lands, or to some Person or Persons under whom they claim, and upon reasonable Notice and Request, refusing to remove, deliver up the Possession, or to make Satisfaction for such Lands, shall and may be proceeded against in such Manner as is prescrib'd by the several Statutes of that Part of the Kingdom of *Great Britain*, called *England*, made against forcible Entries and Detainers; and that no Length of Possession shall be a Plea against such Prosecution.

All Contracts with them for Lands, &c. to be null and void.

Persons possessing Land not taken up by Warrant, to be proceeded against &c.

PROVIDED ALWAYS, That nothing herein contained shall be deemed or construed to extend to any Person or Persons who have contracted or bargained with the Proprietary or Proprietaries, his or their Agents or Commissioners as aforesaid, for the Lands in their Possession, altho' the Money agreed to be paid for the said Lands be not paid according to such Bargain or Contract.

C H A P. CCCXI.

An ACT for regulating Pedlars, Vendues, &c.

Preamble.

No Person to
follow the Bu-
siness of Ped-
ling, &c. until,
&c.

WHEREAS of late many idle and vagrant Persons are come into this Province, and under Pretence of being Hawkers or Pedlars, and carrying Goods from House to House within this Province to sell, have greatly imposed upon many People, as well in the Quality as in the Price of the Goods, and under Colour of selling their Wares and Merchandizes, have entred into the Houses of many honest and sober People in the Absence of the Owner or Owners of the said Houses, and committed Felonies and other Misdemeanors, to the great Prejudice of the Inhabitants of this Province: For remedying of which Inconveniences, and preventing such evil Practices, and to the Intent that no Persons may be admitted to follow the Business of Hawkers or Pedlars within this Province, but Persons of known Honesty and civil Behaviour, **BE IT ENACTED** by the Honourable PATRICK GORDON, Esq; Lieut. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That after the *Twenty-fifth Day of March* next, no Person or Persons whatsoever, shall follow, or employ him, her or themselves, in the Business or Employment of a Hawker, Pedlar or Petty-chapman, or in going from Town to Town, or to other Men's Houses, and travelling with Horse or Horses, As or Asses, Mule or Mules, or otherwise, within the Province of *Pennsylvania* (except as herein after is excepted) or carry to sell or expose to Sale any Goods, Wares or Merchandizes within the Province aforesaid, until such Person or Persons shall have obtained a Recommendation from the Justices of the County-Court where he or she dwells, certifying their Opinion of the Honesty of the Person recommended, and that he or she is a Liver within this Province, and intends to travel with one, two or more Horse or Horses or other Beasts of Burthen, or on Foot, and shall thereupon have obtained a Licence from the Governor, and shall have given Bond in the Prothonotary's-Office of the said County-Court, in his Majesty's Name, with one Surety at least, in any Sum not exceeding *Forty Pounds*, conditioned that such Person or Persons shall be of good Behaviour during the Continuance of the said Licence, and shall well and duly satisfy and pay all such Taxes and Duties as shall be legally assessed upon him,

him, her or them, within the said County where he, she or they shall obtain the said Recommendation; for which Licence there shall be paid to the Governor the Sum of *Twenty-five Shillings*, by every Person obtaining a Licence to travel with a Horse, Ass, Mule, or other Beast of Burthen; and the Sum of *Fifteen Shillings* for every Person licensed to travel on Foot.

AND if any Person or Persons, not being qualified as Penalty on Persons not qualified, that shall be found travelling as Pedlars, &c. as aforesaid, shall be found hawking, peddling, or travelling from House to House to sell Goods as a Hawker, Pedlar, or Petty-chapman, he or she so offending, if travelling with one or more Horses, shall forfeit the Sum of *Fifteen Pounds*; and if travelling on Foot, shall forfeit the Sum of *Ten Pounds*; one Moiety thereof to the Governor for the Support of Government; and the other Moiety to any Person who will sue for the same by any Action of Debt, Bill, Plaint or Information, in any Court of Record within this Province, wherein no Effoin, Protection or Wager of Law, nor more than one Imparllance shall be allowed. And that every Person so trading, who upon demand made by any Justice of the Peace, Mayor, Constable or other Officer of the Peace of any Town, Place or County within this Province, where he or she shall so trade, shall refuse to produce and shew unto such Justice or Officer of the Peace, his or her Licence for so trading, to be granted as aforesaid, that then the Person so refusing, shall forfeit *Forty Shillings*, to be recovered in Manner aforesaid; and for Non-payment thereof, shall suffer as a common Vagrant.

PROVIDED ALWAYS, And it is hereby Product or Manufactures of this Province may be sold, as before this Act. further Enacted, That nothing herein contained shall extend or be construed to extend to hinder any Person or Persons from selling or exposing to Sale any Sort of Goods or Merchandizes in any publick Market or Fair within this Province, or to hinder any Persons from carrying about from Town to Town, and from House to House, any Goods, Wares or Merchandizes being of the Growth, Product or Manufacture of this Province; but that such Person or Persons may do therein as they lawfully might have done before the making of this Act; any thing herein contained to the contrary notwithstanding.

AND BE IT HEREBY FURTHER ENACTED, That if any Dispute shall happen to arise Any Dispute arising, Pedlars to make Person Cash, &c. concerning the said Goods, Wares or Merchandizes, the

Person or Person so carrying about or exposing the same to Sale in Manner aforesaid, shall be obliged to declare upon Oath or Affirmation, before any Justice of the Peace, or other Magistrate of the County, Town or Place where he, she or they shall carry about or offer the same to Sale, whether such Goods, Wares or Merchandizes be of the Growth, Product or Manufacture of this Province.

Penalty on
Persons presu-
ming to make
Lotteries, &c.

AND WHEREAS sundry Persons for Lucre of Gain, and in Contempt of the Laws of this Province, and the Ordinances and the good Rules of the City of *Philadelphia*, have taken upon themselves to set up Lotteries, and also to sell and retail Goods, Wares and Merchandizes by small Parcels, by Way of Vendue, at unseasonable Times in the publick Streets of the said City of *Philadelphia*, in Deceit of the Buyers, and to the great Annoyance of its Inhabitants, by reason of the many idle and disorderly Persons assembling themselves together in the Night-time in the open Streets, at the said Vendues or publick Sales: For the Redressing of which Abuses, and the Preservation of the Peace within the said City; and to prevent the many Impositions which attend such Practices; BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall presume or take upon him, her or themselves, from and after the Publication of this Act, upon any Pretence whatsoever, privately or publickly to set up, exercise or keep any Lottery or Lotteries within the Province of *Pennsylvania*, and be thereof legally convicted, he, she or they shall forfeit, for every such Offence, the Sum of *One Hundred Pounds*; one Moiety thereof to the Governor, and the other Moiety to any Person that will sue for the same.

How the Ven-
due-Master is
to be qualifi-
ed.

AND BE IT HEREBY FURTHER ENACTED, That no Person or Persons whatsoever (except as herein after is excepted) shall after the Publication of this Act, take upon him, her or themselves, to sell or expose to Sale by Way of Vendue or Auction, any Wares, Goods or Merchandizes within the City of *Philadelphia*, unless such Person or Persons shall first be recommended by the Mayor, Recorder and Aldermen of the said City of *Philadelphia* (in their open Sessions) to the Governor of this Province; and shall have given Security to the Mayor of the said City for the time being, for the Use of the Corporation, in such Sum as shall be agreed upon by the said Mayor, Recorder and Aldermen, provided the same do not exceed the Sum of *Five Hundred Pounds*, for his or their honest and

and due Execution of the Office of Vendue-Master within the City of *Philadelphia*, and for the due Observation of the Ordinances of the said City touching the regulating Vendues, or publick Sales, or Auctions within the same, and shall thereupon obtain the Governor's Licence or Commission, according to the Tenor of, and for the Time limited in the said Recommendation, for executing the said Office of Vendue-Master. And there shall, at all Times hereafter, be authorized and appointed in the City of *Philadelphia*, a proper Person qualified for executing the said Office of Vendue-Master pursuant to the Directions of this Act.

And if any Person or Persons shall be found selling or disposing of any Goods, Wares or Merchandizes within the City of *Philadelphia* aforesaid (excepting as herein after is excepted) by Way of Vendue or Auction, without being recommended, and having given Security as aforesaid, such Person or Persons so offending, and being thereof legally convicted, shall, for every such Offence, forfeit the Sum of *Fifty Pounds*, to the Use of the Corporation of the City of *Philadelphia*: And moreover, it shall and may be lawful for the Mayor, Recorder, or any of the Aldermen of the said City, upon his or their own View, or upon the Testimony and Information of one credible Witness, to them, or any one of them given, of any Persons selling any Goods, Wares or Merchandizes by Way of Vendue or Auction as aforesaid (except as in this Act is excepted) within the said City, without such Recommendation and Bond given as aforesaid, to cause such Person or Persons so offending to be apprehended, and may oblige him, her or them to find Sureties for his, her or their good Behaviours and Appearance at the next Court of Quarter-Sessions of the Peace, to be held before the Mayor, Recorder and Aldermen of the said City: And it is further declared, That if the Party so bound over, shall, during the Continuance of his, her or their Recognizances, presume to sell or expose to Sale by Way of Vendue as aforesaid, any Wares and Merchandizes within the said City, without being recommended and having given Bond as aforesaid, such selling or exposing to Sale, shall be deemed, and is hereby declared, to be a Breach of the Good Behaviour.

Penalty on Persons not qualified, acting as Vendue-Master.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That nothing herein contained shall extend, or be construed to extend, to hinder any Sheriff, Constable, or other Officer, to sell and dispose of by Way of Vendue, any Goods, Wares

Officer may sell by Vendue Goods taken in Execution, &c.

or Merchandizes taken in Execution, and liable to be sold by Order of Law; or to hinder any Person or Persons from selling or exposing to Sale by publick Vendue, or otherwise, any Goods or Chattels of any kind whatsoever, taken and distrained for Rent being in Arrear; or to prohibit any lawful Executor or Executors, Administrator or Administrators, to expose to Sale by Way of publick Auction, Vendue or otherwise, any Goods or Chattels which were of their respective Testator or Intestates; but that all and every such Person or Persons may do therein as they might have done before the making of this Act; any thing herein contained to the contrary notwithstanding.

C H A P. CCCXII.

An ACT for the better enabling divers Inhabitants of the Province of Pennsylvania, to hold Lands, and to invest them with the Privileges of natural-born Subjects of the said Province.

WHEREAS by the Encouragement given by the Honourable *William Penn*, Esq; late Proprietary and Governor of the Province of *Pennsylvania*, and by the Permission of his late Majesty King *GEORGE* the First, of blessed Memory, and his Predecessors, Kings and Queens of *England*, &c. divers Protestants, who were Subjects to the Emperor of *Germany*, a Prince in Amity with the Crown of *Great Britain*, transported themselves and Estates into the Province of *Pennsylvania*, between the Years *One Thousand Seven Hundred*, and *One Thousand Seven Hundred and Eighteen*; and since they came hither have contributed very much to the Enlargement of the *British* Empire, and to the raising and improving sundry Commodities fit for the Markets of *Europe*, and have always behaved themselves religiously and peaceably, and have paid a due Regard and Obedience to the Laws and Government of this Province. AND WHEREAS many of the said Persons, to wit, *Martin Mylin, Hans Graaf, Christian Stoneman, Jacob Funk, Francis Neiff, Francis Neiff, jun. George Kindick, John Burkholder, John Burkholder, jun. Abraham Burkholder, Michael Bohman, John Hess, John Frederick, Christopher Preniman, Martin Harnist, Joseph Buckwalter, Felix Landas, jun. Adam Preniman, John Funk, John Bohman,*

Bobman, John Taylor, Henry Neiff, Michael Mire, Henry Bare, Peter Bumgarner, Melcor Hufford, Melcor Erishman, John Brubaker, Jacob Nisly, Hans Snevely, Jacob Goot, John Woolslegle, Jacob Mire, Christopher Sowers, Joseph Stoneman, Daniel Asbleman, Christian Peelman, John Henry Neiff, John Henry Neiff, jun. Abraham Hare, John Ferie, Jacob Biere, Peter Yordea, Peter Leamon, Hans Jacob Snevely, Isaac Coffman, Andrew Coffman, Woolrick Rodte, Henry Funk, Roody Mire, John Mylin, Jacob Bheme, John Coffman, Michael Donedor, Charles Christopher, Andrew Shults, John Howser, Christian Preniman, Jacob Miller black, Henry Carpenter, Emanuel Carpenter, Gabriel Carpenter, Daniel Herman, Christian Herman, Philip Fiere, Matthias Slareman, big John Shank, Jacob Churts, Jacob Snevely, jun. John Woolrick Houwer, John Croyder, John Leeghte, John Stampker, Martin Graaf, Peter Smith, Peter Newcomat, Jacob Bare, jun. John Henry Bare, Jacob Weaver, Henry Weaver, John Weaver, David Longanickar, George Weaver, Abraham Mire, Woolrick Houser, John Mire, Henry Muffelman, Michael Shank, Jacob Miller, Jacob Miller, jun. Martin Miller, Peter Aybe, Hans Goot, Christian Staner, John Jacob Light, Adam Brand, Christopher Franciscus, Caspar Loughman, Frederick Stay, John Line, John Skwope, Bastian Royer, Jonas Lerow, Simeon King, John Aybe, and Everard Ream, all of Lancaster County in the said Province; and John Naglee, Barnard Resor, John Wistor, John Frederick Ax, John Pkilip Bohm, Anthony Yerkbas, and Herman Yerkbas, of the County of Philadelphia, in the same Province, in Demonstration of their Affection and Zeal for his present Majesty's Person and Government, qualified themselves by taking the Qualification and subscribing the Declaration directed to be taken and subscribed by the several Acts of Parliament, made for the Security of his Majesty's Person and Government, and for preventing the Dangers which may happen by Popish Recusants, &c. and thereupon, have humbly signified to the Governor and the Representatives of the Freemen of this Province, in General Assembly met, that they have purchased and do hold Lands of the Proprietary, and others His Majesty's Subjects within this Province, and have likewise represented their great Desire of being made Partakers of those Privileges which the natural-born Subjects of Great Britain do enjoy within this Province; and it being just and reasonable that those Persons who have *bona fide* purchased Lands, and who have given such Testimony of their Affection and Obedience to the Crown of Great Britain, should as well be secured in the Enjoyment of their Estates, as encouraged in their laudable Affection to and Zeal for

the *English* Constitution; BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That Martin Mylin, Hans Graaff, Christian Stoneman, Jacob Funk, Francis Neiff, Francis Neiff, jun. George Kindick, John Burkholder, John Burkholder, jun. Abraham Burkholder, Michael Bohman, John Hess, John Frederick, Christopher Preniman, Martin Harnist, Joseph Buckwalter, Felix Landas, jun. Adam Preniman, John Funk, John Bohman, John Taylor, Henry Neiff, Michael Mire, Henry Bare, Peter Bumgarner, Melcor Hufford, Melcor Erishman, John Brubaker, Jacob Nisly, Hans Snevely, Jacob Goot, John Woolsegle, Jacob Mire, Christopher Sowers, Joseph Stoneman, Daniel Asbleman, Christian Peelman, John Henry Neiff, John Henry Neiff, jun. Abraham Hare, John Ferie, Jacob Biere, Peter Yordea, Peter Leamon, Hans Jacob Snevely, Isaac Coffman, Andrew Coffman, Woolrick Rodte, Henry Funk, Roody Mire, John Mylin, Jacob Bheme, John Coffman, Michael Donedor, Charles Christopher, Andrew Shults, John Howser, Christian Preniman, Jacob Miller black, Henry Carpenter, Emanuel Carpenter, Gabriel Carpenter, Daniel Herman, Christian Herman, Philip Fiere, Matthias Slareman, big John Shank, Jacob Churts, Jacob Snevely, jun. John Woolrick Houwer, John Croyder, John Leeghte, John Stampfer, Martin Graaf, Peter Smith, Peter Newcomat, Jacob Bare, jun. John Henry Bare, Jacob Weaver, Henry Weaver, John Weaver, David Longanickar, George Weaver, Abraham Mire, Woolrick Houwer, John Mire, Henry Musselman, Michael Shank, Jacob Miller, Jacob Miller, jun. Martin Miller, Peter Aybe, Hans Goot, Christian Staner, John Jacob Light, Adam Brand, Christopher Franciscus, Caspar Loughman, Frederick Stay, John Line, John Shwope, Bastian Royer, Jonas Lerow, Simeon King, John Aybe, Everard Ream, John Naglee, Bernard Refor, John Wistor, John Frederick Ax, John Philip Bohm, Anthony Terkbas and Herman Terkbas, be, and shall be to all Intents and Purposes, deemed, taken and esteemed His Majesty's natural-born Subjects of this Province of *Pennsylvania*, as if they and each of them had been born within the said Province; and shall and may, and every of them shall and may, within this Province, take, receive, enjoy, and be entitled to all Rights, Privileges and Advantages of natural-born Subjects, as fully to all Intents, Constructions and Purposes whatsoever, as any of His Majesty's natural-born Subjects of this Province can, do, or ought to enjoy, by Virtue of their being His Majesty's natural-born Subjects of His Majesty's said Province of *Pennsylvania*.

Two ACTS pass'd in the
Third Year of His Majesty's
Reign, *One Thousand Seven
Hundred and Twenty-nine,*
viz.

C H A P. CCCXIII.

*An ACT to prevent the Erecting of Wears,
Damms, &c. within the River Skuyllkill.* *Vide 8 Geo. II.
Chap. 332.*
Repealed.

C H A P. CCCXIV.

*An ACT to remove the Trustees of the General
Loan-Office of Pennsylvania, and appointing
others to execute the said Trust.*

ANNO REGNI
GEORGE II.
REGIS
QUARTO.

At a GENERAL ASSEMBLY of the
Province of *Pennsylvania*, begun and
holden at *Philadelphia*, the Fourteenth
Day of *October*, *Anno Domini* One
Thousand Seven Hundred and Thirty,
in the Fourth Year of the Reign of our
Sovereign Lord GEORGE II. by the
Grace of GOD, of *Great Britain*,
France and Ireland, KING, Defender
of the Faith, &c. And from thence
continued by Adjournment to the
Fourth of *January*, 1730.

C H A P. CCCXV.

An ACT for Re-emitting and continuing the Currency of such Bills of Credit of this Province as by former Acts are directed to be sunk and destroyed.

WHEREAS by two several Acts of General Assembly of this Province, made in the Ninth and Tenth Years of the Reign of our late Sovereign King *GEORGE* the First, Bills of Credit to the Value of *Forty-five Thousand Pounds* were struck and emitted, to be let out upon Loan on Land-Security; and again to be paid in annually, and to be sunk and destroyed, according to the Directions of the said Acts: AND WHEREAS the Sinking and Destroying of the said Bills of Credit, pursuant to the Directions of the said several Acts, did greatly reduce the Quantity of the Currency of this Province; and thereupon the Representatives of the said Province, in the second Year of the Reign of our present Sovereign King *GEORGE* the Second, taking the same into their Consideration, and being sensible of the great Difficulties the Merchants and People of *Pennsylvania* were reduced to in carrying on the Trade and Commerce of the Province for Want of a sufficient Currency, Bills of Credit to the Value of *Thirty Thousand Pounds* were by another Act of General Assembly of this Province, struck and emitted to be let out upon Loan on Land-Security, as in the said last mentioned Act is directed: AND WHEREAS by the Accounts of the General Loan-Office of this Province, it appears that the Bills of Credit emitted by Virtue of the said two first Acts of Assembly, and of one other Act of Assembly for the Re-emission of the said Bills of Credit, are now near expiring; and should the annual Quotas yet remaining due upon the said several Acts be sunk and destroyed, as by the said Acts is directed, it may again involve the Merchants, as well as Farmers and Tradesmen of this Province in new Difficulties, and lay them under a Necessity of making new Acts of Assembly for emitting more Bills of Credit to supply the Wants of the People: For preventing which Inconveniencies, BE IT ENACTED by the Honourable *PATRICK GORDON*, Esq; Lieut. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Free-

men of the said Province in General Assembly met, and by the Authority of the same, That such yearly Quotas or Payments (Parcel of the principal Sums emitted in Bills of Credit of this Province pursuant to the Direction of the said Acts respectively) and such other principal Sums, which by Virtue thereof, or of any Mortgage-Deed or Assurance, by any of the before-mentioned Acts directed to be taken, and which are or shall be paid, recovered or received from time to time before the Fifteenth Day of *October*, which will be in the Year of our Lord *One Thousand Seven Hundred and Thirty-seven*, shall not be sunk or destroyed, nor shall any Part or Parcel of any such Quotas or principal Sums in Bills of Credit, payable, within the Space aforesaid, unto the Trustees nominated or to be nominated pursuant to the Directions of those Acts, or any other Act or Acts of Assembly of this Province, be sunk or destroyed, otherwise or at any other Time than is by this Act directed; nor shall the Trustees, or any of them, be culpable, or suffer any Penalty or Forfeiture for not sinking the said Bills of Credit, as directed by the aforesaid Acts, any thing in the said Acts, or any of them, contained to the contrary notwithstanding; but the same yearly Quotas and principal Sums in Bills of Credit so to be paid in unto and received by the said Trustees, or any of them, within the Time before limited, whether payable by the Provincial or any of the County-Treasurers, or by any Mortgager, Mayor or Treasurer of *Philadelphia*, or by any Mortgager or Person whatsoever, and every Part and Parcel of the same Sums shall from time to time be re-emitted by the Trustees of the General Loan-Office of the Province of *Pennsylvania* for the time being, upon Loans, as herein after mentioned and appointed: And that all the yearly Quotas or Parcels of the principal Sums arising upon those Re-emissions, which shall be paid into the General Loan-Office of the Province of *Pennsylvania* on or before the aforesaid Fifteenth Day of *October*, in the Year of our Lord *One Thousand Seven Hundred and Thirty-seven*, shall, by the Trustees thereof for the time being, be re-emitted again, on Securities as aforesaid, and so from time to time until all principal Monies, anyways accruing, that shall be paid unto them on or before the said Fifteenth Day of *October*, 1737, shall be wholly re-emitted.

AND BE IT FURTHER ENACTED

In what Sums
the Money
shall be re-
emitted.

by the Authority aforesaid, That the Trustees of the General Loan-Office aforesaid, shall lend out the Value of all the Bills of Credit, that they shall so receive to be re-emitted.

as before in this present Act directed, in Sums not exceeding *One Hundred Pounds*, nor less than *Twelve Pounds Ten Shillings* to any one Person, for and during all the Rest and Residue of the sixteen Years in the said recited *Thirty Thousand Pounds Act* limited, commencing from the Times of the same respective Loans to be made by this present Act upon Securities of Messuages, Lands, Tenements, Rents and Hereditaments in this Province, of which the respective Mortgagers stand seized in Fee-simple, clear of Incumbrances (the Proprietor's Quit-Rents, and other Rents discovered to the said Trustees, issuing out of the same Securities, excepted) of which Title and Clearness the said Trustees are to inform themselves the best they can, and to observe the same Directions in the Valuation thereof, and in proportioning such Valuation to the Sums requested to be lent, as the same *Thirty Thousand Pound Act* before recited directeth, upon Loans thereby made: Whereupon the said Trustees, in Pursuance of the Trust hereby committed to them, shall, in the Name and Stile of the Trustees of the General Loan-Office of the Province of *Pennsylvania*, and not otherways, take and receive Deeds of Mortgage in Fee-simple of such Messuages, Lands, Tenements, Rents or Hereditaments as aforesaid, with Bonds and Warrants of Attorney, as by the said *Thirty Thousand Pound Act* is directed, for securing the Re-payments of the Sums they lend to be made yearly, and every Year of the Remainder of the sixteen Years aforesaid, by even and equal annual Payments, and so proportionably for the Part or Parts of a Year, as Occasion may happen, together with the whole Interest at the Rate appointed by the said *Thirty Thousand Pound Act*; which Deeds shall be executed and acknowledged, and the Oath or Affirmation of the Mortgagor to be thereon indorsed, as by the aforesaid Act is directed: Which Deeds so executed, &c. shall transfer the Possession, and be of the same Force and Effect, and the Words therein shall have the same Operation in Law as the Deeds made or directed to be made and taken in Pursuance of the aforesaid *Thirty Thousand Pound Act*, to all Intents and Purposes whatsoever; and in Default of Payment of any of the Sums contained in the said Mortgage-Deeds, to sue for and recover the same in the like Manner as is directed by the said last mentioned Act, as fully and effectually as if here again particularly repeated. And for the better Preservation of the said Mortgage-Deeds being executed, as in the said *Thirty Thousand Pound Act* is appointed, the said Deeds shall be entred at large in Books of Royal or other large Paper, and shall be of the same

same Force and Virtue as by the aforesaid Act of Assembly is provided and ordained.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every the Payments made, whether principal Sums or Quotas, upon any Mortgage-Deed by this Act directed to be taken, shall be by the said Trustees indorsed and entred in the same Manner, and be of the same Force and Effect for Discharging a Part or the Whole of any of the said Mortgage-Deeds, as by the aforesaid *Thirty Thousand Pound Act* is directed and appointed, and that the Trustees shall receive the same Sums for Indorsements on the Mortgages, and other Entries and Discharges, as by the aforesaid Act of Assembly is limited and appointed, and no more.

Payments to
be indorsed,
¶

PROVIDED ALWAYS, That until some Default shall be made in Payment by the respective Mortgagers, it shall be lawful for them and their Heirs to hold and enjoy the mortgaged Premises, with the Appurtenances; the Mortgage-Deeds, or any thing therein contained to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees shall be stiled as heretofore, *The Trustees of the General Loan-Office of the Province of Pennsylvania*, and shall have Succession, and the same Capacities and Powers for putting this present and the before-mentioned Acts in Execution, to all Intents and Purposes, as in the said *Thirty Thousand Pound Act* is contained and settled for putting the same in Execution; subject nevertheless, to all and singular the Provisoes, Alterations, Limitations and Restrictions in and by this present Act provided and ordained.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That every Article, Clause and Sentence in the said former Acts respectively (except such Clauses and Parts thereof as are hereby altered, supplied, or concerning which other Provision is hereby made) shall be and are hereby declared to be and continue of full Force and Virtue in the Law as if this present Act had not been made.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That before any of the said Trustees

Trustees for the time being shall enter upon the Execution of the Trust by this Act required, they shall each of them enter into a Bond to the Provincial-Treasurer of this Province for the time being, in the Penalty of 500*l.* conditioned for the due Observance of all Things required of him in Performance of the Trust reposed in him by this present Act; and shall each of them also make Oath or Affirmation before any Justice of the Peace of the City or County of *Philadelphia*, who is hereby impowered and required to administer the same, That to the best of his Skill and Knowledge, he will faithfully, impartially, and truly demean himself in the Discharge of the Trust committed to him by this present Act; as also in the Discharge of the remaining Part of the Trust committed to him by the said before-recited Acts; so as none may be prejudiced by his Consent, Privity or Procurement. And that the said Trustees, assuming upon themselves the Execution of the Trust by this present Act required of them, shall be allowed for their Service and Trouble therein, at and after the Rate of *Ten Pounds per Annum* each, added to their Salaries hereafter accruing by the said former Acts; payable to each of them in Bills of Credit of this Province, for and during the Term of *Seven Years* from the Commencement of this Act. And that the said Trustees, or any two of them, shall duly attend at the said Loan-Office the first *Tuesday* in the Months of *March, May, July, September, November* and *January*, yearly, for receiving the Sums to be paid in, pursuant to this and the said former Acts respectively; and for emitting the Sums to be lent, by the Direction of this present Act, until all the Quotas paid in, pursuant to this and the said former Acts, be re-emitted; and afterwards at such Times as the Trust and Service of the Publick may require them, during the Continuance of the said recited *Thirty Thousand Pound Act*.

Trustees Reward.

Time of Trustees Attendance.

AND WHEREAS most of the Bills of Credit emitted by the several Acts of Assembly of this Province, before the Tenth Day of *April*, in the Year of our Lord, *One Thousand Seven Hundred and Twenty-eight*, are so torn and defaced, that the Currency thereof is almost stop'd, and the said Bills of Credit become usefess to the People; For remedying of which Inconveniency, and yet that no Addition may or shall be made by this Act to the Sum of the Bills of Credit now current in this Province: BE IT ENACTED by the Authority aforesaid, That indent-
ed Bills of Credit to the Value of *Forty Thousand Pounds*

New Bills to be made.

current Money of *America*, according to an Act of Parliament made in the Sixth Year of the Reign of the late Queen *Anne*, with Counterparts of the same Bills, shall be prepared and printed before the Tenth Day of *April* next ensuing, on good Paper, under the Care and Direction of the Trustees of the General Loan-Office, but at the Charge of the Province, to be paid by the said Trustees. And that the said Bills shall severally contain therein the Sums hereafter respectively mentioned, and no other; that is to say, *Four Thousand* of the same Bills the Sum of *One Shilling* in each of them; *Four Thousand* of the same Bills the Sum of *One Shilling and Six-pence* in each of them; *Five Thousand* of the same Bills the Sum of *Two Shillings* in each of them; *Eight Thousand* of the same Bills the Sum of *Two Shillings and Six-pence* in each of them; *Twelve Thousand* of the same Bills the Sum of *Five Shillings* in each of them; *Ten Thousand* of the same Bills the Sum of *Ten Shillings* in each of them; *Eight Thousand* of the same Bills the Sum of *Fifteen Shillings* in each of them; and *Twenty-four Thousand* of the same Bills the Sum of *Twenty Shillings* in each of them: And the said original Bills, shall have the same Arms impressed thereon, and be of the same Tenor as original Bills of the Denominations respectively are directed and appointed to be of by the said recited Act for emitting *Thirty Thousand Pounds* in Bills of Credit, save only the Difference in the Date and the Form, and the Names of the Signers thereunto subscribed; And that the said Trustees, or one of them, or some other Person under their Direction, and for whom they shall be accountable, shall duly attend at the Place where the said Office is kept, on the first *Wednesday* in every Month, then and there to deliver out new Bills of *One Thousand Pounds* Value hereby directed to be struck, to such Persons as demand them in Exchange and in Lieu of such torn ragged and other Bills, directed to be exchanged by this Act, as the said Trustees, or any of them, shall judge to be genuine Bills of this Province, and of equal Value with those they so give in Exchange, until the whole *Forty Thousand Pounds* in this Act directed to be struck to be exchanged for such Bills of Credit, be wholly exchanged; Which said torn and other Bills, being kept by the said Trustees, shall by them be produced for their Vouchers, to discharge themselves of the *Forty Thousand Pounds* Value aforesaid, before any Committee of Assembly to be appointed Auditors of the said Trustees Accounts, who shall thereupon cause the said Bills to be sunk and destroyed; and that the Sum of *Twelve Pounds Ten Shillings* shall be paid to the

New Bills to
be exchanged
for the old,
&c.

the Trustee having the Custody of the said Bills, for every *Ten Thousand Pounds* Value of the said Bills of Credit which he shall so exchange; And that the Clerk shall once a Year make out a List of the Securities by this Act directed to be taken, containing the Persons Names to whom the Sums are lent, and the Times when; and the same Lists shall submit and deliver to the Assembly of this Province for the Time being, from time to time, until all the Sums hereby directed to be emitted, be wholly comprehended and delivered; and shall be under the same Restraints and Qualifications, and shall receive the same Fees and Rewards for his Services, as by the *aforsaid Thirty Thousand Pound Act* is provided and allowed, and no other.

Clerk to make
out a List, &c.

AND BE IT FURTHER ENACTED

by the Authority *aforsaid*, That any Committee of Assembly of this Province, being appointed Auditors of Accounts of the said Trustees, the same Auditors for the Time being shall once in every Year, or oftner, call the said Trustees to Account, for all the Monies in Bills of Credit they shall receive, recover, and pay, exchange or emit, in Pursuance of this Act; and all the Interest to be received upon Securities hereby directed to be taken being accounted for, and the Salaries and Charges, allowed by this Act, being deducted, they the said Trustees shall dispose of the said Interest Money as the Assemblies of this Province shall from time to time order and direct. And that all and singular the Bills which shall be made and issued in Pursuance of this present Act, in exchange for torn or ragged Bills, or for any other Bills of Credit emitted before the said tenth Day of *April*, shall in all respects have the same Currency, and be of the same Effect in Law and Equity with Regard to Payments and Tenders, or bringing the same into Court for Performance of any Contract or Bargain, or Promise whatsoever, and to all other Intents and Purposes as any other Bills of Credit emitted by Virtue of the said *Thirty Thousand Pound Act* may, can, or ought to have; and that none of the Bills of Credit emitted by Virtue of any Act or Acts of Assembly of this Province, before the said Tenth Day of *April*, in the Year of our Lord *One Thousand Seven Hundred and Twenty-eight*, shall be current after the First Day of *March*, which will be in the Year of our Lord *One Thousand Seven Hundred and Thirty-one*.

Committee of
Assembly to
call Trustees
to Account
once a Year,
&c.

Old Bills
made before
1728 not to be
current after
March 1731.

AND BE IT FURTHER ENACTED

by the Authority *aforsaid*, That if any Person or Persons shall

Penalty on
Counterfei-
ters.

shall presume to forge or counterfeit any of the said Bills of Credit, issued to be exchanged for torn Bills in pursuance of this Act, or shall be aiding or assisting therein, or shall enlarge the Value or Sum expressed in any of the said Bills, or shall utter, or cause to be uttered or offered in Payment any such Bill or Bills, knowing the same to be forged, counterfeited, or the Value or Sum therein altered, and being thereof legally convict, such Person or Persons so offending, shall suffer the same Pains and Penalties, and be prosecuted in the same Manner, as by the *aforesaid Thirty Thousand Pound Act* is directed.

Signers
Names.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That each of the said new Bills to be made by Virtue of this Act, shall be signed and numbred by the Persons hereby appointed Signers of the same Bills; viz. *Job Goodson, John Parry, Joseph Kirkbride and Thomas Griffiths*: And if any of the said Signers shall happen to die, or be rendred uncapable of doing his Duty required by this Act, the Assembly for the Time being shall appoint other Persons to supply such Deficiencies from time to time, until all the Bills to the Value of *Forty Thousand Pounds* shall be signed, and together with their Counterparts numbred and delivered as this Act directs. But before any of the Persons before-named, or hereafter to be appointed Signers of Bills of Credit by Virtue of this Act, presume to act therein, they shall take an Oath or Affirmation, before any one Justice of the Peace of the City or County of *Philadelphia*, who is hereby impowered and required to administer the same, charging them jointly and severally, that they will well and truly sign and number the said original Bills of Credit, and number their Counterparts, that shall come to their Hands for that purpose, by the Direction of this Act; and the same so signed and numbred will deliver, or cause to be delivered to the Trustees of the General Loan-Office of this Province, pursuant to the Directions of the same Act.

Signers Qua-
lification.

Method of
delivering the
Bills to be
signed, &c,

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees within Ten Days after the said new Bills and Counterparts are prepared and deposited with them, as by this Act is directed, shall deliver out at the Place where they keep the said Loan-Office, the Value of *One Thousand Pounds* out of the said *Forty Thousand Pounds*, to the Signers hereby appointed, who having signed and numbered the said original Bills so delivered

delivered to them, and truly numbred the Counterparts thereof, shall immediately re-deliver them to the said Trustees, who shall thereupon give their Receipts for the same; And after the said Bills to the Value of *One Thousand Pounds* aforesaid are exchanged by the said Trustees as this Act directs, then the Trustees of the said Loan-Office for the time being, shall within Ten Days next after deliver out at their said Office to the Signers of Bills for the time being, the further Value of *One Thousand Pounds*; who having signed and numbred the said original Bills so delivered to them, and numbered the Counterparts thereof, shall immediately re-deliver them to the Trustees, who shall thereupon give their Receipts as aforesaid, and so from time to time 'till the whole Value of the said *Forty Thousand Pounds*, by delivering, signing, numbering, and re-delivering *One Thousand Pounds* Value at a Time, shall be exchanged as this Act directs; and the said Counterparts, so numbred, and re-delivered as aforesaid, shall be kept by the said Trustees for Trying the Truth of their Originals when there shall be Occasion.

Counterparts
to be preserved,

AND the said Signers shall cause to be kept a true Account of all the Bills they so respectively sign and deliver as aforesaid; and for their Care and Trouble required of them by this Act, the Signers of each Thousand Bills shall receive *Fifteen Shillings* each in Six Days after their Delivery thereof, with their Counterparts, as above directed, to be paid by the Trustees for the time being, unto each Signer, his Executors, Administrators or Assigns, out of the Interest-Money in their Hands.

Signers Reward.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That after all the Sums and Bills of Credit to be received by the Trustees of the General Loan-Office aforesaid, are by them accounted for, and sunk pursuant to the Direction of this Act; the same Trustees for the time being, their Heirs, Executors and Administrators, and every of them, shall thenceforward stand and forever be clearly discharged and acquitted of and from all Manner of Obligations, Securities, Actions, Causes of Actions, and of and from all further and other Accounts and Demands whatsoever to be made or rendered by them of or for any Trust unto them committed, or any Thing by them done in Pursuance of this Act.

AND BE IT FURTHER ENACTED

John Wright,
Esq; appointed a Trustee.

by the Authority aforesaid, That *John Wright* of *Lancaster* County, Gentlemen, shall be, and is hereby appointed one of the Trustees of the General Loan-Office of the Province of *Pennsylvania*, for the issuing out and receiving in again, the Bills of Credit lent out upon Loan by Virtue of this Act, and taking Securities for the same, and to render an Account of his Management in his said Trust, at the same Time, and in the same Manner, with the other Trustees of the General Loan-Office of this Province; and before he enter upon the Execution of his Trust, shall give Security to the Provincial Treasurer in the Sum of *One Thousand Pounds*, for the due Performance of his Trust; and shall take an Affirmation before any Justice of the Peace of the County of *Philadelphia*, that he will according to the best of his Skill and Knowledge, faithfully, impartially and truly demean himself in the Discharge of the Trust committed to him by an Act of General Assembly of this Province, Entituled, *An Act for Re-emitting and Continuing the Currency of such Bills of Credit of this Province, as by former Acts are directed to be sunk and destroyed*; according to the Purport and Tenor of the said Act, so as none may be prejudiced by his Consent, Privy or Procurement. And the said *John Wright* shall attend at the General Loan-Office in *Philadelphia*, at least Three Times in the Year, to wit, the first *Tuesdays* in *March*, *July* and *November*, and shall have allowed to him the Sum of *Fifty Pounds per Annum* for his Service and Trouble in the Execution of his said Trust. AND WHEREAS it is represented by the Commissioners and Assessors of the County of *Lancaster*, that they have occasion for a Sum of *Three Hundred Pounds*, over and above the Sum first lent to the said County, to finish the Prison and Court-House of the said County,

His Qualification.

At what times he shall attend.

BE IT ENACTED by the Authority aforesaid,

300*l.* to be lent to *Lancaster*.

That the Sum of *Three Hundred Pounds* in Bill of Credit of this Province be delivered to the Treasurer of *Lancaster* County, he giving his Receipt for the same to the Trustees of the General Loan-Office aforesaid, which said Treasurer shall pay the same to the Order of the Trustees appointed to build the said Prison and Court-House, who shall annually lay the Account of their Payments and Disbursements before the Commissioners and Assessors for the same County, which said Bills of Credit shall be sunk by Taxes to be laid on the County of *Lancaster*, in the same Manner that
County

County Levies are usually raised and levied, until all the Bills of Credit, so as aforesaid, received on the Account and for the Use of the said County, be sunk in the Manner prescribed for sinking Bills of Credit by this, and one other Act of Assembly of this Province, made in the Second Year of his Majesty's Reign, for *emitting and making Current Thirty Thousand Pounds*.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That upon any Emission of Bills of Credit to be made by Virtue of this Act, the Trustees are hereby directed and impowered, so to devise the Mortgage-Deeds, that the annual Quotas, or Payments of the Money thereby secured, be made payable on the *Fifteenth Day of October* annually; and the Trustees are hereby required, in settling their Accounts with the Auditors or Committees of the Assembly of this Province, to render an Account as well of the Days and Times of their Receipts, as of the Days and Times when the same Sums are emitted again.

When the Payments are to be made, &c.

C H A P. CCCXVI.

An ACT for the enabling Religious Societies of Protestants within this Province, to purchase Lands for Burying-Grounds, Churches, Houses for Worship, Schools, &c.

WHEREAS fundry Religious Societies of People within this Province, professing the Protestant Religion, have at their own respective Costs and Charges purchased small Pieces of Land within the Province of *Pennsylvania*, and thereon have erected Churches, and other Houses of Religious Worship, School-Houses and Alms-Houses, and inclosed part of the same Lands for Burying-Grounds: AND WHEREAS the said Lands were purchased, and paid for by the said respective Societies, in the Name or Names of Persons at that Time being of or professing themselves to be of the same Religious Persuasion with the Societies who made Use of of the Names of the said Persons, as Trustees for and in Behalf of the said Societies:

AND WHEREAS some of the said Trustees or their Heirs having afterwards changed their Opinions, and joined themselves to other Religious Societies of a different Persuasion

Perſuaſion from the People by whom the ſaid Perſons were at firſt entrusted, and upon Pretext of their having the Fee-ſimple of the Lands ſo purchaſed in their Names, veſted in them, have contrary to the true Intent and Meaning of the firſt Grant or Gift, attempted (by granting away the ſaid Lands, Houſes of Religious Worſhip and Burying-Grounds) to deprive the Society of People in Poſſeſſion of the ſame, of the Right and Uſe of the ſaid Houſes of Worſhip, and Burying Grounds, to the great Diſquiet and Uneaſineſs of many of the good People of this Province; and others being intruſted in the like Manner may hereafter do the ſame. For Remedy whereof, and for the better ſecuring the ſeveral Religious Societies in the quiet and peaceable Poſſeſſion of their Churches, Houſes of Worſhip, School Houſes, and Alms-Houſes, and Burying-Grounds within this Province,

BE IT ENACTED by the Honourable *Patrick Gordon*, Eſq; Lieutenant Governor of the Province of *Pennſylvania*, and of the Counties of *New-Caſtle*, *Kent*, and *Suſſex* on *Delaware*, by and with the Advice and Conſent of the Representatives of the Freemen of the ſaid Province in General Aſſembly met; and by the Authority of the ſame; That all Sales, Gifts or Grants made of any Lands or Tenements within the Province of *Pennſylvania*, to any Perſon or Perſons in Truſt, for Scites of Churches, Houſes of Religious Worſhip, Schools, Alms-houſes, and for Burying-Grounds, or for any of them, ſhall be and are hereby ratified and confirmed to the Perſon or Perſons to whom the ſame were ſold, given, or granted, their Heirs and Aſſigns, in Truſt nevertheleſs, and for the Uſe of the reſpective Religious Societies, for whoſe Uſe the ſame were at firſt ſold, given, granted or purchaſed, according to the true Intent and Meaning of ſuch Gifts or Grants: And that every Sale, Gift, Grant or Deviſe of any ſuch Truſtee or Truſtees, or any Perſon or Perſons in whoſe Name or Names the ſaid Lands for erecting Churches, Houſes of religious Worſhip, Schools, Alms-Houſes or Burying-Grounds, within this Province, were purchaſed, taken or accepted, or the Heirs or Aſſigns of ſuch Truſtees, ſhall be and are hereby declared to be for the ſole Uſe, Benefit and Behoof of the ſaid reſpective Societies who have been in the peaceable Poſſeſſion of the ſame for the Space of Twenty-one Years, next before the Tenth Day of *June*, in the Year of our Lord *One Thouſand Seven Hundred and Thirty*, or for whoſe Uſe the ſame were at firſt given, granted or deviſed, and no other.

AND BE IT FURTHER ENACTED by the Authority aforefaid, That it fhall and may be lawful to and for any religious Society of Proteftants within this Province, to purchafe, take and receive, by Gift, Grant, or otherwife, for Burying-Grounds, erecting Churches, Houfes of religious Worfhip, Schools and Alms-Houfes, for any Eftate whatfoever, and to hold the fame for the Ufes aforefaid of the Lord of the Fee by the accuftomed Rents.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforefaid, That nothing in this Act contained, fhall be deemed, taken, or conftrued to enable any of the faid Religious Societies of People, or any Perfon or Perfons whatfoever, in Truft for them, or to their Ufe, to purchafe, take, or receive, any Lands or Tenements, by Gift, Grant, or otherwife, for or towards the Maintenance, or Support of the faid Churches, Houfes of Worfhip, Schools or Alms-Houfes, or the People belonging to the fame, or for any other Ufe or Purpofe, fave for the Ufes in this Act before-mentioned.

PROVIDED ALSO, That this Act, nor any Thing therein contained fhall be deemed or conftrued to impeach the juft Right or Title, which any Perfon or Perfons may have to any of the Lands or Tenements herein beforementioned, fo that they profecute fuch their Right or Claim within the Space of *Three* Years next after the Publication of this Act.

C H A P. CCCXVII.

An ACT for the better Prevention of Accidents that may happen by Fire in the City of Philadelphia, by Bake-Houfes and Coopers-Shops.

FOR the further fecuring the Inhabitants of the City of *Philadelphia*, from the Dangers that may happen by Fire, BE IT ENACTED by the Honourable PATRICK GORDON, Efq; Lieutenant Governor of the Province of *Pennfylvania*, &c. by and with the Advice and Confent of the Representatives of the Freemen of the faid Province in General Affembly met, and by the Authority of the fame; That from and after the Space of *Sixteen* Months next enfuing the Publication of this Act, no Perfon whatfoever within the faid City, by himfelf, his Agents, Journey-

5 P men,

men, or Servants, shall occupy the Trade of a Cooper or Baker, but in such Shops, or Places, as are built in the Manner herein respectively directed and appointed, that is to say ; That no Person after the Time aforesaid, shall occupy the Trade of a Cooper, within the said City, but in a Shop or Place built of Brick or Stone, with a large Chimney in the same, the Cieling thereof plaistered, no Stairs nor Passage up the Loft within such Shop, and the Floor thereof to be Earth, or laid with good Two-Inch Oak Plank. And that no Person after the time aforesaid, within the said City, shall occupy the Trade of a Biscuit, or Soft-bread-Baker, but in a Bake-House built of Brick or Stone, and arched over with Brick, if the Place will admit thereof, or otherwise to be well cieled with Plastering ; the Floor of the said Bake-House paved with Brick or Stone ; the Crown of the Oven to be secured by carrying up the Foundation-Walls square, and filling the same with Gravel or Sand, at least Six Inches higher than the Top of the Oven ; and the Chimney to be arched in the said Bake-House, without any Timber in or near adjoining to the same.

How Coopers
Shops must be
built.

How Bake-
Houses must
be built.

Penalty on
Offenders a-
gainst this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, from and after the Time aforesaid, shall presume by themselves, their Agents, Journeymen or Servants, to occupy the Trade of a Cooper, or Biscuit or Soft-bread Baker, or either of them within the City aforesaid, in any Shop or Place other than is above directed, enjoined and appointed ; every Person so offending, for every Month he, she, or they shall occupy the Trades of Baker or Cooper, or either of them, in any Shop or Bake-House, contrary to the Directions of this Act, shall forfeit as herein after is provided ; that is to say, for the first Offence, the Sum of *Twenty Shillings* ; and for the second Offence, the Sum of *Thirty Shillings* ; and for the third, and every other Offence, the Sum of *Forty Shillings* ; to be recovered upon Complaint made in the Name of the Clerk of the Market for the City of *Philadelphia*, or in the Name of any other Person who will give Information of the same, for and towards the Repair of Fire-Engines, and purchasing Leathern Buckets, before two Magistrates of the said City, whereof the Mayor for the time being to be one.

PROVIDED ALWAYS, That if any Person or Persons shall find him, her, or themselves aggrieved with any Judgment or Sentence of the said two Magistrates, it shall

shall and may be lawful for the Person or Persons so aggrieved, to appeal to the next Court of Common Pleas, to be held for the City and County of *Philadelphia* afore said, whose Judgment therein shall be definitive.

AND BE IT FURTHER ENACTED by the Authority afore said, That no Person whatsoever within the City afore said, from and after the *Tenth* Day of *May* next ensuing, shall keep, or stack any Hay within *One Hundred* Feet of any Dwelling House, or other Building (except it be in a Stable or other secure House) nor shall keep any greater Number of Faggots than *Two Hundred*, unless it be at a Distance of *One Hundred* Feet from any Dwelling House or other Building, under the Penalty of *Ten Shillings* for every Offence; which Penalties so accruing, shall be recovered, and applied in the Manner, and to the Use afore said, with Costs of Suit; and the Hay and Faggots so remaining against the Tenor of this Act, shall be liable to be removed, in such Sort, Manner and Form, as any Nuisance may be by the Laws of *Great-Britain*, or this Province.

Keeping of
Hay and Fag-
gots regulated.

C H A P. CCCXVIII.

An ACT for the Relief of Benjamin Mayne, with respect to the Imprisonment of his Person.

C H A P. CCCXIX.

An ACT for Amendment of the Law, entituled, An Act for Relief of insolvent Debtors.

WHEREAS sundry idle and ill-disposed Persons who were indebted before the Commencement of an Act of Assembly of this Province, Entituled, *An Act for the Relief of Insolvent Debtors*, have very much abused their Creditors, and disappointed the good Intentions of the Legislature in making the said Act; and especially single or unmarried Persons, who were indebted in small Sums of Money, which they could easily have paid by their Labour, have taken the Advantage of the said Act of Assembly, by procuring themselves to be discharged as Insolvent Debtors; by Means whereof, many Creditors of low Circumstances have lost their Debts and been obliged to pay the Costs of Suit. BE IT THEREFORE ENACTED by the Honourable *Patrick Gordon*, Lieutenant Governor of the Province of *Pennsylvania*, &c.

Preamble.

Ant. 3 Geo. II.
Chap. 304.

by

Who shall
have the Bene-
fit of that Act,

by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same; That no Person or Persons whatsoever shall have any Benefit of the aforesaid Act of Assembly for the Relief of Insolvent Debtors, for any Sum or Sums of Money which they owed before the making of the said Act, except such Persons as were actually Prisoners in some of the publick Goals of this Province, on or before the First Day of *August*, in the Year *One Thousand Seven Hundred and Thirty*, any Thing in the said Act to the contrary in any wise notwithstanding.

Single Persons
indebted for
small Sums
have no Bene-
fit.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That no Person or Persons, being unmarried and under the Age of Forty Years, having no Charge of Children; and being, or that shall be indebted to any one or more Persons in any Sum or Sums of Money in the whole not exceeding Twenty Pounds, shall have any Benefit of the aforesaid Act of Assembly; but such Person or Persons shall be liable to be arrested and imprisoned for their respective Debts, as if the said Act of Assembly had never been made.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That any Person or Persons within this Province, that shall be arrested and imprisoned for any Debt, Sum of Money or other Thing which was owing by them before the First Day of *August* last past; and that any single Person under the Age of Forty Years aforesaid, having no Charge of Children, and whose Debts in the whole do not exceed Twenty Pounds, whether the Debts owing by such Person were contracted before the First Day of *August* last, or since that, or shall hereafter be contracted, and being arrested or imprisoned for the same or any Part thereof, may at any succeeding Court to be held for the City or County where he or she is imprisoned, next after his or her Imprisonment, exhibit to the Justices of the said Court upon Oath or Affirmation, an Account of all their Effects, to which they have any Right in Law or Equity, and the Names of their Creditors, at whose Suit such Person is imprisoned, and the Sums of Money which they owe, and when the same became due as far as his or her Knowledge does extend, and shall by Petition shew to the Court their Inability to pay the Debts for which such Person is imprisoned, and shall make an Assignment of their Effects to any Person that shall be appointed by the Court, in Trust for his

his or her Creditors, or for such of them as the said Court shall direct, and shall signify his or her Willingness to make Satisfaction by Servitude, for the Residue of the Debt, the Party petitioning shall be discharged, as by an Act of Assembly of this Province, Entituled, *An Act about Arrests, and making Debtors pay by Servitude*, is provided : which said Act of Assembly is hereby revived, and declared to be and continue in full Force for the Purposes in this Act mentioned, any Thing in the aforesaid Act of Assembly *for Relief of Insolvent Debtors* contained to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person be imprisoned in any City or County of this Province for any Debt under *Forty Shillings*, having no Effects to pay the same, and shall be willing to make Satisfaction by Servitude, it shall and may be lawful for any Two Magistrates, in any County or City within this Province where the Party is imprisoned, to proceed to relieve the Party so imprisoned, by judging such Debtor to make Satisfaction by Servitude.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That no Person or Persons who have not resided within this Province for the Space of two Years, next before his or her Imprisonment, shall have the Benefit of the aforesaid *Act for Relief of Insolvent Debtors*. New Comers to have no Benefit by that Act.

PROVIDED NEVERTHELESS, That if the Person at whose Suit any Person is arrested, shall refuse or neglect to give Security for Payment of such weekly Allowance, for Maintenance of the Defendant, as the Justices of the Court where the said Suit is depending, shall direct and award, and also give Security that the said Defendant or Defendants, his or their Wife or Children, nor any of them shall become chargeable to the Town or County where such Person or Persons are imprisoned ; It shall and may be lawful for the Justices of the said respective Courts of Common Pleas within this Province, and they are hereby required in such Case, to cause the Action or Actions against the Person or Persons so imprisoned to be discontinued, and the Parties thereupon to be discharged.

AND WHEREAS some Doubts have arisen concerning the Meaning of some part of the aforesaid Act of Assembly *for Relief of Insolvent Debtors*, touching the Time of a Sheriff being capable to hold his Office in any

Clause to the
former Act
explained.

County of this Province, and the Uses to which the Fine of *Two Hundred Pounds*, imposed on any Person occupying the Office of Sheriff contrary to the Directions of the said Act, shall be applied; therefore for the Removing any Doubts that have arisen, or may arise concerning that part of the aforesaid Act; BE IT ENACTED by the Authority aforesaid, And it is hereby declared to be the true Intent and Meaning of the aforesaid Act of Assembly, that no Sheriff who had been elected, and who had occupied the Office of a Sheriff or Under-Sheriff, in any County of this Province for the Space of Three Years at one Time, shall be again elected Sheriff for the said County, or serve or occupy the Office of a Sheriff in the same County, within the Space of Three Years next after his being Sheriff as aforesaid. And it is hereby Enacted and Declared, That of the Two Persons elected for the Office of Sheriff and returned to the Governor, one being commissioned, the other shall not act as Under-Sheriff to the Person appointed Sheriff, during the Term of the said Sheriff's Commission. And that if any Sheriff or Under-Sheriff within this Province, shall be elected contrary to the true Intent and Meaning of this Act, and the aforesaid Act of Assembly, such his Election shall be null and void, and if any such Sheriff or Under-Sheriff shall again enter upon and occupy the Office of a Sheriff contrary to the Directions and Provision made in and by this and the last mentioned Act of Assembly, shall forfeit and pay the Sum of *Two Hundred Pounds*, as in the said Act is directed, one Moiety thereof to the Person or Persons who will inform or sue for the same, and the other Half to be paid to the Provincial Treasurer, towards the Support of Government, to be recovered by Action of Debt, Bill, Plaint or Information, wherein no more than one Impar lance shall be allowed; and that no Pardon, *Noli prosequi*, or other Act of the Governor or Lieutenant Governor for the time being, shall be any Bar or Hindrance to the suing for, Recovery and Levying the said Fine for the Uses aforesaid.

C H A P. CCCXX.

A SUPPLEMENT to the Law, entituled, An Act to prevent the Killing of Deer out of Season, and against carrying of Guns and Hunting by Persons not qualified.

WHEREAS the said Law limits the Conviction of Offenders against the said Act, to be within Two Months next after such Offence is committed, by the Oath or Affirmation of one or
more

more Witnesses : But forasmuch as there is no Provision made against Hunting and Chasing Deer out of Season, nor any Person under any Obligation to prosecute, many Offenders pass with Impunity, and the good End and Purpose for which the said Act was made is eluded, and rendered not so beneficial as it otherwise might be ;

T H E R E F O R E B E I T E N A C T E D by the Honourable *Patrick Gordon*, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That if any Person or Persons shall after the Publication hereof, hunt, chase or follow any Buck, Doe, Fawn, or any Deer whatsoever, at any other Time or Season, excepting only between the first Day of *July*, and the first Day of *January*, and shall be lawfully convicted thereof by the Oath or Affirmation of one or more Witnesses, or the Confession of the Party before one or more Justices of the Peace for the respective County where such Offence shall be committed, he or they shall forfeit and pay for every such Offence the Sum of *Ten Shillings*, to be recovered as aforesaid, and for the Uses in the aforesaid Act directed.

A N D B E I T F U R T H E R E N A C T E D by the Authority aforesaid, That the Constables of each respective Township in every County of this Province, having any Knowledge of any Offences against this and said recited Act, shall and are hereby required to present every such Offence to some one Justice of the Peace for the respective County where such Offences shall be committed, or before the Justices of the General Quarter-Sessions of the Peace for the same County, together with the Name or Names of all such Offenders : And the said Justice or Justices of the respective Sessions aforesaid, are hereby empowered and required to hear and determine the same, and to convict the Offenders in the Penalties and Forfeitures mentioned in this and the said recited Act, so that such Conviction shall be within Four Months next ensuing after such Offence committed ; any thing in the said recited Act or any other Law of this Province to the contrary in any wise notwithstanding.

P R O V I D E D, That nothing herein contained shall be deem'd or taken to disannul, alter, or make void the
said

said recited Act, or any thing herein contained; but that every Clause, Article and Sentence therein, except what is hereby altered or supplied, shall be and remain in full Force and Virtue.

C H A P. CCCXXI.

An ACT to disable W. F. from holding any Office of Trust, &c.

C H A P. CCCXXII.

An ACT for the better enabling divers Inhabitants of the Province of Pennsylvania to hold Lands; and to invest them with the Privileges of natural-born Subjects of the said Province.

WHEREAS by the Encouragement given by the Honourable *William Penn*, Esq; late Proprietary and Governor of the Province of *Pennsylvania*, and by the Permission of his late Majesty King *GEORGE* the First, of blessed Memory, and his Predecessors Kings and Queens of *England*, &c. divers Protestants who were Subjects to the Emperor of *Germany*, a Prince in Amity with the Crown of *Great-Britain*, transported themselves and Estates into the Province of *Pennsylvania*, and since they came hither have contributed to the Enlargement of the *British* Empire, and have always behaved themselves religiously and peaceably, and have paid a due Regard and Obedience to the Laws and Government of this Province.

AND WHEREAS many of the said Persons, to wit, *Peter Wentz, Martin Kolb, Dielman Kolb, Jacob Kolb, Michael Zeigler, Paul Fried, Johannes Fried, Hans Datweiller, Valentine Hunsucker, Jacob Scheimer, Johannes Koocken, George Markl, Hubbard Kassel, Johannes Leseber, Jacob Herman, Gerhard Clements, Christopher Zimmerman, Jacob Metz, Bastian Smit, Mathias Gemelin, Ulrich Mayer, Christian Bowman, Abraham Schwartz, Hermanus Kusler, John Joder, John Joder, jun. Jeest Joder, Philip Keikwein, Hans Hoch, Peter Endreas, John Dietrich Kriener, Peter Balio, Abraham Levand, Isaac Levand, Nicholas Leseber, David Kouffman, Jean Bartolet, Hans Martin Gerich, Martin Schenkel, Jonathan Herbein, John Bowman, Arnold Hufnagle, Johannes Langenecker, Johannes Buckwalter, Johannes Extein, Isaac Vansintern, Johannes Dewalt End, Johannes Goerge Bentzel, Blassius Daniel Mackinet, Mathias Adams Hoger-moed, Hans Rup, Lorence Belitz, Johan Nicholas Kressman, Christopher Funk, John Joseph Schrack, Philip Schrack,*

George Jager, Samuel Gouldin, Christopher Gouldin, Henry Pennebecker, Hans Sigfried, Peter Trexler, Henry Scheat, Jacob Hottlestein, Daniel Langenecker, Hans Jacob Bechtley, Melchor Hoch, Jacob Hoch, George Hollenback, John Jacob Schrack, John George Reif, John George Reif, jun. Jacob Reif, Conrad Reif, Peter Reif, Antonius Hilman, Henry Antis, Gerhard Peters, John Isaac Klein, Johannes Mayer, Samuel Hoch, John Snyder, George Bechtley, Joest Hendrick Zaatzmentzhouffen, all of Philadelphia County; Marcus Kuhl, John Keller, Jacob Kasdrop, Johan Baker, Abraham Kintzing, of the City of Philadelphia; Jacob Klemmer, Jacob Souder, Philip Geisfinger, George Bachman, John Driessle of the County of Bucks; Christian Mary, Johannes Roth, Caspar Acker and Jacob Acker, of the County of Chester, in Demonstration of their Affection and Zeal for his present Majesty's Person and Government, qualified themselves by taking the Qualification and subscribing the Declaration directed to be taken and subscribed by the several Acts of Parliament, made for the Security of his Majesty's Person and Government, and for preventing the Dangers which may happen by Popish Recusants, &c. and thereupon, have humbly signified to the Governor and the Representatives of the Freemen of this Province, in General Assembly met, that they have purchased and do hold Lands of the Proprietary, and others His Majesty's Subjects within this Province, and have likewise represented their great Desire of being made Partakers of those Privileges which the natural-born Subjects of Great Britain do enjoy within this Province; and it being just and reasonable that those Persons who have *bona fide* purchased Lands, and who have given such Testimony of their Affection and Obedience to the Crown of Great Britain, should as well be secured in the Enjoyment of their Estates, as encouraged in their laudable Affection to and Zeal for the *English* Constitution;

BE IT ENACTED by the Honourable PATRICK GORDON, Esq; Lieutenant Governor of the Province of Pennsylvania, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That Peter Wentz, Martin Kolb, Dielman Kolb, Jacob Kolb, Michael Zeigler, Paul Fried, Johannes Fried, Hans Datweiller, Valentine Hunsucker, Jacob Scheimer, Johannes Koocken, George Markl, Hubbard Kassel, Johannes Leseber,

Leseber, Jacob Herman, Gerhard Clements, Christopher
 Zimmerman, Jacob Metz, Bastian Smit, Mathias Geme-
 lin, Ulrick Mayer, Christian Bowman, Abraham Schwartz,
 Hermanus Kuster, John Joder, John Joder, jun. Joest
 Joder, Philip Keikvein, Hans Hoch, Peter Endreas,
 John Dietrich Kreiner, Peter Balio, Abraham Levand,
 Isaac Levand, Nicholas Leseber, David Kouffman, Jean
 Bartolet, Hans Martin Gerich, Martin Schenkel, Jona-
 than Herbein, John Bowman, Arnold Hufnagle, Johannes
 Langenecker, Johannes Buckwalter, Johannes Extein, I-
 saac Vanfintern, Johannes Dewalt End, Johannes George
 Bentzel, Blasius Daniel Mackinet, Mathias Adams Hoger-
 moed, Hans Rup, Lorence Belitz, Johann Nicholas Kres-
 sman, Christopher Funk, John Joseph Schrack, Philip
 Schrack, Johannes Shaffer, Jacob Seltzer, George Rowse,
 George Jager, Samuel Gouldin, Christopher Gouldin, Hen-
 ry Pennebecker, Hans Sigfried, Peter Trexler, Henry
 Scheat, Jacob Hottelstein, Daniel Langenecker, Hans Ja-
 cob Bechtley, Melchor Hoch, Jacob Hoch, George Hollen-
 back, John Jacob Schrack, John George Reif, John George
 Reif, jun. Jacob Reif, Conrad Reif, Peter Reif, Antonius
 Hilman, Henry Antis, Gerhard Peters, John Isaac Klein,
 Johannes Mayer, Samuel Hoch, John Snyder, George Bechtley,
 Joest Hendrick Zaatmentzboussen, all of Philadelphia County;
 Marcus Kuhl, John Keller, Jacob Kasdrop, Johan Baker, Abra-
 ham Kintzing, of the City of Philadelphia; Jacob Klemmer,
 Jacob Souder, Philip Geisfinger, George Bachman, John Driessle
 of the County of Bucks; Christian Mary, Johannes Roth,
 Caspar Acker and Jacob Acker, of the County of Chester, be
 and shall be to all Intents and Purposes, deemed, taken
 and esteemed His Majesty's natural-born Subjects of this
 Province of Pennsylvania, as if they and each of them had
 been born within the said Province; and shall and may, and
 every of them shall and may, within this Province, take,
 receive, enjoy, and be entituled to all Rights, Privileges
 and Advantages of natural-born Subjects, as fully to all
 Intents, Constructions and Purposes whatsoever, as any
 of His Majesty's natural-born Subjects of this Province can,
 do, or ought to enjoy, by Virtue of their being His Ma-
 jesty's natural-born Subjects of His Majesty's said Province
 of Pennsylvania.

ANNO REGNI
GEORGE II.
REGIS
QUINTO.

At a GENERAL ASSEMBLY of the
Province of *Pennsylvania*, begun and
holden at *Philadelphia*, the Fourteenth
Day of *October*, *Anno Dom.* One Thou-
sand Seven Hundred and Thirty-one,
in the Fifth Year of the Reign of our
Sovereign Lord *GEORGE II.* by the
Grace of *GOD*, of *Great Britain*,
France and Ireland, KING, Defender
of the Faith, &c. And from thence
continued by Adjournment to the
Tenth of *January*, 1731.

C H A P. CCCXXIV.

An ACT for reviving and continuing the Proceedings of the Courts of Judicature within this Province.

W H E R E A S an Act of General Assembly of this Province, made in the Year One Thousand Seven Hundred and Twenty-six, and in the Thirteenth Year of the Reign of his late Majesty King George the First, of blessed Memory, Entituled, *An Act for Establishing Courts of Judicature within this Province*, which Act, (supposed to supersede or repeal one other Act of Assembly of this Province, entituled *An Act for establishing Courts of Judicature within this Province*, made in the Year One Thousand Seven Hundred and Twenty-two) is since repealed by the King in Council. And whereas without some Provision be made for the Confirmation of such Judgments as have been rendered since the Repeal of the said Act, and for the Continuance of such Process as are depending in the several Courts within this Province, many Suitors may be disappointed, and such Judgments may be reversed, and the Process upon Indictments or Informations, depending in the several Courts of *Pennsylvania*, may be discontinued; It is therefore humbly pray'd that it may be enacted, and **B E I T E N A C T E D** by the Honourable *PATRICK GORDON*, Esq; Lieut. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Indictment, Plea, Suit or Action, in which Judgment hath been rendered since the Repeal of the said last recited Act of Assembly, nor any Process thereupon, shall be abated, quash'd, revers'd, or judged null or void, for or by reason of the Repeal of the said Act of Assembly made in the Year One Thousand Seven Hundred and Twenty-six; But that the said Judgments, Suits and Process, shall be and are hereby declared to be good and valid in Law, as if the said Act had never been repealed: And that no Indictment, Presentment, Action, Suit, Plea, Process, or other Matter, now depending in any Court of Record within this Province, shall be discontinued, abated, quash'd, null'd or reversed,

reversed, for or by Reason of the Repeal of the said last mentioned Act of Assembly only : But that the Judges and Justices of the respective Courts within this Province shall, by virtue of the said Act of Assembly made in the Year One Thousand Seven Hundred and Twenty-two, now again come in Force, by Repeal of the said Act of the Thirteenth of King George the First, proceed to hear, try, and determine, all Causes Civil and Criminal, now depending ; and the Proceedings of the several Courts of Judicature within this Province, be and are hereby confirmed ; so that no Advantage shall be taken of or for any want of Authority, Defect of Jurisdiction, or Error on such Proceedings, occasioned by such Repeal only ; but that all such Defects and Errors, be and are hereby aided, according to the true Intent and Meaning of the said Act, as if the same had not been repealed ; any Law, Statute or Usage to the contrary notwithstanding.

C H A P. CCCXXV.

*An ACT for repealing an Act, entituled,
An Act for continuing the Encouragement
for raising good Hemp within this Province,
&c.*

WHEREAS by an Act of Assembly passed in the Third Year of the Reign of his present Majesty, entituled, *An Act for continuing the Encouragement for raising good Hemp within this Province, &c.* it was, amongst other Things therein contained, enacted, that there should be paid out of the publick Revenue of this Province, by the Officer therein appointed, the Sum of *One Penny Half-penny* for every Pound of good, sound, well-ordered, and merchantable water-rated Hemp, raised within this Province, from and after the Time of the publication of the said Act, until the first Day of *May*, which will be in the Year One Thousand Seven Hundred and Thirty-three.

AND WHEREAS it hath on Experience been found, that the Price to be had for the Commodity aforesaid, is a sufficient Encouragement for the Raising thereof, without the Payment of so large a Bounty; And, that by reason of the large Quantities of Hemp likely to be raised within this Province, the Continuance of so considerable a Premium would prove too great a Burthen for the Inhabitants to bear; THEREFORE may it please the Governor that it may be enacted, and

BE IT ENACTED by the Honourable *PATRICK GORDON*, Esq; Lieut. Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by Authority of the same, That the Bounty aforesaid shall only be paid for such good, sound, well-ordered and merchantable water-rated Hemp, raised within this Province, which shall be imported in the City of *Philadelphia*, pursuant to the Tenor of the Act aforesaid, on or before the first Day of *July* next ensuing: And that from and after the Time last aforesaid, the Premium aforesaid shall cease to be paid. And the Act of Assembly aforesaid, and every Clause, Part and Paragraph thereof, shall be void and of no effect, any thing therein contained to the contrary thereof notwithstanding.

bly met, and by the Authority of the same, That no Person or Persons whatsoever who is or hereafter shall be chosen a Commissioner for any of the Counties within this Province, shall serve as a Commissioner for any longer time than the Space of three Years, at one time; and if any such Person be re-elected in the same County where before he had served as Commissioner the preceding Year, such Election shall be void, and the next Person being qualified to be elected as the Law directs, having the greatest Number of Votes for Commissioner, shall be, and is hereby declared to be the Commissioner legally elected, and shall be qualified and serve accordingly.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Commissioners, Assessors, and Treasurers of the several Counties within this Province, shall at the respective Courts of General Quarter-Sessions of the Peace to be held for the Counties of *Pbilar-delpbia*, and *Bucks* in the Month of *September*, and at the respective Courts of General Quarter-Sessions of the Peace to be held for the Counties of *Chester* and *Lancaster*, in the Month of *August*, yearly exhibit to, and lay before the Justices and Grand Juries of the said respective Counties to which they belong, as well the Books of Entries, and Accounts directed by the aforesaid Act to be kept by the Treasurers, as a true and particular Account of all the Moneys by them, or any of them, assessed and raised, by virtue of their several Offices, as also an Account to whom and for what Use or Uses the same Money and every part and parcel thereof was paid out again, with the proper Vouchers, if required; which Books, Accounts, and Receipts or Vouchers, being seen and examined by the Justices and Grand Juries of the said respective Counties, the said Books, and Receipts or Vouchers, shall be delivered back safely, without Alteration, to the respective Treasurers; and the Accounts shall be filed, and kept among the Records and Proceedings of the said Court of General Quarter-Sessions of the Peace for such County.

AND WHEREAS by an Act of Assembly, made in the twelfth Year of the Reign of the late King *William* the third, entituled, *An Act for erecting Bridges and maintaining Highways*, &c. it is provided, that the County Courts with the Concurrence of the Grand Jury shall agree with and appoint some Persons to build Bridges in their respective Counties; And the Commissioners and Assessors havin

having of late by colour of the aforesaid Act of Assembly for raising County Levies, claimed a Power of directing the Building of Bridges, and of agreeing with Workmen for doing the same, without the Concurrence of any Court or Grand-Jury, T H E R E F O R E to prevent for the future any Mistakes or Misunderstandings concerning the Power of the Commissioners and Assessors, I T I S H E R E B Y F U R T H E R D E C L A R E D A N D E N A C T E D, that the Grand-Juries, Commissioners and Assessors with the Concurrence of the Justices of the General Quarter-Sessions of the Peace, shall be the sole Judges of the Place where any Bridge shall be built and maintain'd over any Creek or Rivulet within the respective Counties to which they belong ; and the Commissioners and Assessors with the Concurrence of the Justices of the said respective Counties, at their respective General Quarter-Sessions of the Peace, shall agree with Workmen for building, repairing and maintaining any Bridge or Bridges, ordered to be built or repaired as aforesaid, within their respective Counties ; and that the Commissioners for the time being shall allow of, and pay the Moneys becoming due for the same accordingly,

C H A P. CCCXXVII.

*An A C T directing the Manner of Payment of
Assembly-men's Wages. Expired.*

ANNO REGNI
G E O R G I I II.
 R E G I S
 S E P T I M O.

At a GENERAL ASSEMBLY of the
 Province of *Pennsylvania*, begun and
 holden at *Philadelphia*, the Fourteenth
 Day of *October*, *Anno Domini* One
 Thousand Seven Hundred and Thirty-
 three, in the Seventh Year of the Reign
 of our Sovereign Lord *GEORGE II.*
 by the Grace of *G O D*, of *Great*
Britain, France and Ireland, *KING*,
 Defender of the Faith, &c. And from
 thence continued by Adjournments to
 the Seventeenth of *December*, 1733.

C H A P. CCCXXVIII.

An A C T for reviving an Excise on Wine, Rum,
Brandy, and other Spirits. Expired.

C H A P.

C H A P. CCCXXIX.

*An ACT to prevent the Exportation of Bread
and Flour not merchantable.*

W H E R E A S by a Law of this Province made ^{Preamble}
for preventing the Exportation of Bread and
Flour not merchantable, the Credit of the said
Province in one of its most considerable Bran-
ches hath in some Measure been retrieved; But forasmuch
as it becomes the Prudence of the Legislature to do all
that in them lies to advance the Credit of this our Staple
Commodity in foreign Markets, and it having been found
by Experience that some farther Regulations may be neces-
sary to promote the good Intention of the said Act,
T H E R E F O R E to the End that the said Credit of
our Trade, and the Benefits thence arising may be continu-
ed and improved, B E I T E N A C T E D by *PA-
TRICK GORDON*, Esq; with the King's Royal
Approbation, Lieutenant-Governor under the Honourable
John Penn, *Thomas Penn*, and *Richard Penn*, Esqs; true and
absolute Proprietaries of the Province of *Pennsylvania*, by
and with the Advice and Consent of the Freemen of the
Province aforesaid, in General Assembly met, and by the
Authority of the same, That every Bolter of Flour and
Baker of Bread, residing, or (at any Time hereafter during
the Continuance of this Act) to reside within this Province,
shall each one for himself provide and have a distinguisha-
ble Brand-mark, and shall therewith brand each and every
Cask of Flour or Bisket of his own Bolting or Baking,
before the same shall be removed from the Place where
the same was so as aforesaid bolted or baked, under the
Penalty of *One Shilling* for every Cask so removed and not
branded as aforesaid; but before any such Bolter or Baker
shall bolt any Flour or bake any Bread for Exportation out
of this Province, every such Bolter or Baker shall cause such
his Brand-mark, together with his Name and Place of A-
bode, to be entred with the Clerk of the Court of Quarter-
Sessions for the County where he doth reside (if not already
done) and so from time to time as often as any such Bolter
or Baker shall move the Place of his Residence from one
County of this Province into another, within the Space of
one Month after such Removal, or any Alteration of his
Brand-mark, he shall there cause his Mark, Name, and
Place

Bolters & Ba-
kers to have
B and-marks,
&c.

Place of Residence to be entred with the Clerk of the respective County ; for recording whereof the Clerk shall have and receive *One Shilling* each, and no more ; and every Bolter or Baker offending herein, shall forfeit and pay the Sum of *Twenty Shillings* for every such Offence.

Flour, &c. to
be honestly
packed, weigh-
ed and nailed.

AND BE IT ENACTED by the Authority aforesaid, That all Wheat-Flour bolted for Exportation, from and after the Publication of this Act, shall by the Bolter thereof be and be made merchantable and of due Fineness, without any Mixture of coarser and other Flour, and honestly and well packed in good strong Cask, well made, and of Staves thoroughly seasoned, with the Tare thereof thereupon marked, the Cask being first weighed by Weights try'd by or made agreeable to the Standard of Weights in this Province, wherewith the Bread and Flour packed shall be also weighed, and each and every Cask thereof (Bread in tight Casks excepted) shall be well and sufficiently nailed before the same be moved and carried from the Place where the same was made as aforesaid. And if any Bolter and Baker shall offend in all or any of the Premises, he, she, or they shall forfeit and pay for every such Offence the Sum of *One Shilling* for each Cask.

Penalty on
false Taring of
Cask.

AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons shall put a false or wrong Tare on any Cask of Flour and Bread, to the Disadvantage of the Purchaser, he, she, or they shall forfeit and pay for every such Cask falsely tared as aforesaid, the Sum of *Five Shillings*. And the Officer for each County respectively, or his Deputy, upon Suspicion, or upon the Request of the Buyer, shall and are hereby required to unpack any such Cask of Flour and Bread, in order to try the Tare thereof, and if the said Cask or Casks be found to weigh more than is mark'd thereon, the Baker or Bolter shall pay the Charge of unpacking and repacking over and above the *Five Shillings* for each Cask as aforesaid. But if the Tare thereon marked be found just and true, then the Officer (or Purchaser, if the Tryal be made at his Request) shall pay the Costs of Unpacking and Repacking.

Invoice to be
delivered with
Bread and
Flour.

AND BE IT ENACTED by the Authority aforesaid, That every Miller or Bolter of Flour, and every Baker of Bread for Exportation as aforesaid, shall deliver with the said Flour or Bread an Invoice of the Contents thereof with his said Brand-mark made thereon, together

ther with his Name signed thereto, under the Penalty of *Forty Shillings*, for every Invoice delivered contrary to the true Intent and Meaning hereof. And if any Cask or Casks of Flour or Bread upon Tryal be found lighter than is set down in the said Invoice, every such Bolter or Baker thereof shall forfeit and pay *Threepence* for every Pound of Flour or Bread the same is found wanting or lighter than invoiced. And if any Person or Persons shall be convicted of any other wilful Fraud or Cheat in Packing of Flour or Bread, or of wilfully making a fraudulent Invoice of the Net Proceeds or Weight of any Flour or Bread, the Person offending therein shall forfeit and pay the Sum of *Five Pounds* for every such Offence.

Penalty on
Frauds.

AND BE IT ENACTED by the Authority aforesaid, That no Cart, Wain, or Waggon shall be made Use of for the carrying or conveying of Flour or Bread from any Mill or other Place to the Place of Exportation, or to any Landing Place, but such as shall have and be provided with a good and sufficient Covering; and that no Flour shall be left at any Landing, or other Place, in order to be transported or carried to the Place of Exportation, except the same be put in a Store or Shelter sufficient to keep it dry; and that no Flour or Bread shall be carried or conveyed by Water from any Mill or Landing-Place to the Place of Exportation, in any open Boat, Flat or Shallop, without a good and sufficient Covering or Tarpaulin to secure the same in case of Rain.

Carts &c. to
have good Co-
vering.

AND BE IT ENACTED by the Authority aforesaid, That if the Owner or Possessor of any Cart, Wayn, Waggon, Boat, Flat, or Shallop, cause or suffer any Flour or Bread to be wet or take Damage for want of due Care, or not being provided as aforesaid, in the moving, carrying, or transporting the same from any Mill or Landing-Place to the Place of Exportation, every such Person or Persons shall forfeit and pay for every Cask of Flour or Bread damaged as aforesaid, the Sum of *One Shilling*.

Penalty on suf-
fering Flour to
take Damage.

AND BE IT ENACTED by the Authority aforesaid, That no Merchant or Person whatsoever shall lade or ship any Flour for Exportation out of this Province, before he shall first submit the same to the View and Examination of the Officer or his Deputy, of the respective County from whence the same is intended to be shipped, who shall search and try the same, by boring the Head and piercing

No Flour to
be Shipt before
examined.

it through with an Instrument to be contrived for that Purpose, in order to prove whether it be honestly and well-pack'd, as also to enable him to judge of its Goodness, and shall afterwards plug up the Hole ; and if the said Officer shall judge the same to be merchantable, according to Direction of this present Act, he shall brand every such Cask of Flour on the Quarter with the Provincial Brand-mark, which the said respective Officers shall each one for himself provide and have for that End and Purpose, sufficient and capable to impress in a fair and distinguishable manner the Arms of the Province of *Pennsylvania*, with the Letter P on one Side thereof ; and to distinguish the Counties, *Philadelphia* County Brand-mark shall have the Letter P, *Bucks* County the Letter B, and *Chester* County the Letter C on the other Side thereof ; for which Trouble of the said respective Officer, he shall have and receive of the Shipper *One Penny* for each Cask, and no more.

And branded.

PROVIDED ALWAYS nevertheless, that if any Dispute shall happen to arise between the said Officers and Possessor of such Flour, concerning the Fineness or Goodness thereof, upon Application made to one of the Magistrates of the City or County where the Dispute arises, he shall issue his Warrant to two indifferent judicious Persons of Skill and Integrity, to view and search the said Flour, and make Report forthwith according as they find the same, and the said Magistrate is hereby impowered and required to give Judgment accordingly ; and in case the said Flour is judged not fit to be exported, the said Magistrate shall order it not to be exported, under the Penalty of Forfeiture of all such Flour, and shall also award and order the Owner or Possessor of the said Flour to pay the said Officer *One Shilling* for each Cask, for all such Flour as shall be adjudged not fit for Exportation as aforesaid, with reasonable Charges, who shall recover the said Costs and Charges from the Bolter or Maker thereof ; but in case the said Flour upon Tryal shall be found to be good and merchantable according to the Directions of this Act, the Charges of Prosecution shall be paid by the Officer ; and in case any Flour shall upon Tryal be found not merchantable or fit to be exported, the Officer shall take the Bolter's Brand and the Marks and Numbers of such Casks of Flour, and shall also note upon the Invoice of the said Flour, the Numbers of so many of them as shall be found not merchantable ; and if the same Flour be afterwards shipped in order for Exportation, the Proof that it is not the said Flour shall lie

Indifferent
Persons to
judge Flour.
&c.

Penalty on
Flour not fit
for Exportation.

lie wholly on the Owner or Shipper thereof, and shall not be incumbent on the said Officer.

AND BE IT ENACTED by the Authority aforefaid, That the said Officer or his Deputies shall have full Power and Authority by Virtue of this Act, and without any further or other Warrant, to enter on board any Ship, Sloop or Vessel whatsoever, lying or being in any Port or Place of this Province, and into any House, Store or Place whatsoever within the Province aforefaid, to search for and make Discovery of any Flour shipped or intended to be shipped for Exportation; and if the Owner or Possessor thereof, or their Servants, or others shall deny him or them Entrance, or if the said Officer or his Deputies shall be any ways molested in making such Discovery as aforefaid, or if such Merchant or Owner shall refuse to permit the said Officer or his Deputies to view and examine any Flour, or not permit him or them to brand the same, if merchantable, according to the Direction of this Act, every such Person so offending shall forfeit and pay the Sum of *Ten Pounds*; or shall ship off any Cask or Casks of Flour not branded with the Provincial Brand-mark aforefaid, every such Person so offending shall forfeit and pay the Sum of *Five Shillings* for every Cask of Flour so shipped.

Officers im-
powered to en-
ter Ships, &c.

Penalty on
molesting Of-
ficers.

AND BE IT ENACTED by the Authority aforefaid, That *Samuel Carpenter* of *Philadelphia*, Merchant, shall be and is hereby appointed the Officer for Viewing and Examining all Flour shipped or intended to be shipped directly out of this Province from the City and County of *Philadelphia*; And that *William Atkinson* of *Bucks* County, Yeoman, shall be and is hereby appointed the Officer for Viewing and Examining all Flour shipped or intended to be shipped directly out of this Province from the County of *Bucks*: And *John Owen* of *Chester*, Gent, shall be and is hereby appointed the Officer for Viewing and Examining all Flour shipped or intended to be shipped directly out of this Province from the County of *Chester*. And if any or either of the Officers hereby appointed, shall by any Accident be rendered incapable, or neglect to execute the said Office, or shall misbehave him or themselves therein, or shall happen to die, then and so often, and from time to time, it shall and may be lawful to and for a Majority of the Justices of the Peace of the respective Counties, to supply his or their Place by some other fit and capable Person, who shall there-
upon

Officers
Names.

Officers to
take an Oath
or Affirmati-
on.

upon be the Officer for putting this Act in Execution for the respective County, until the Assembly appoints another. But before the said Officers hereby or hereafter to be appointed shall do any thing in the Execution of their said Office, they shall each of them take an Oath or Affirmation before any one Justice of the Peace of any County of this Province, faithfully and impartially to perform his Duty and Trust to the best of his Capacity, according to the Directions of this present Act.

Officers may
appoint Depu-
ties.

AND BE IT ENACTED by the Authority aforesaid, That the said respective Officers hereby appointed, or hereafter to be appointed, are hereby impowered to appoint Deputies in the respective Counties, for whom he or they shall be accountable; which said Deputies having taken the same Oath or Affirmation required to be taken by the Principals, are hereby fully impowered to act as Deputy-Officers in their respective Counties for the Searching and Branding Flour, and for all other Things required to be done by this Act, to all Intents and Purposes whatsoever.

All Wheat to
be screened be-
fore ground.

BUT forasmuch as all the Endeavours and Skill that can be used in the making of Flour good, will prove ineffectual, except due Care be taken in the Management of the Grain before it be ground, Therefore BE IT ENACTED by the Authority aforesaid, That every Owner, Possessor, or Occupier of any Grist-Mill, shall have and be provided with a Screen, wherewith all the Wheat to be ground into Flour for Exportation, shall be first screen'd; and if any Owner, Possessor, or Occupier of any Grist-Mill shall by himself, Servants or others, presume to grind or suffer to be ground into Meal for Bolting for Exportation out of this Province, any Wheat before the same be screened as aforesaid, or shall grind or suffer to be ground any unsound, ill-dressed, foul or unmerchantable Wheat, to be bolted for Exportation as aforesaid, or shall bolt any Meal so ground before the same be thoroughly cooled and dried, he, she, or they so offending in the Premises, shall forfeit and pay for every such Offence the Sum of *Thirty-five Shillings*, on due Proof thereof made by one or more credible Witnesses, before any one Justice of the Peace of the County or Place where the Fact was committed.

Penalty.

BE IT ENACTED by the Authority aforesaid, That every Miller, Bolter, and Baker within this Province,
is

is hereby required, within Six Months after the Publication of this Act, and afterwards once in every Three Years, to bring his or their Weights and Measures to the Standard in each County, to be examined and tryed, and to have them made to agree with the Standard, and stamp and marked as directed by an Act of Assembly of this Province of the Twelfth of King *William* the Third, entituled, *An Act for regulating Weights and Measures*, under the Penalties and Fines imposed by the same Act.

Weights and Measures to be brought to the Standard.

AND BE IT ENACTED by the Authority aforesaid, that if any Person or Persons shall counterfeit the said Provincial Brand-Marks, or either of them, or impress or brand the same on any Cask of Flour, he, she or they being thereof legally convicted, shall for the first Offence forfeit and pay the Sum of *Five Pounds*, and for the Second Offence the Sum of *Ten Pounds*, and for the Third and every other such Offence the Offender shall be committed to Goal, and Sentenced to the Pillory, there to stand the Space of *Two Hours* on a Market Day, in any City, Borough or Town of the respective Counties of this Province, where the Fact was committed.

Penalty on counterfeiting Brandmarks.

AND BE IT ENACTED by the Authority aforesaid, That all and singular the Fines, Forfeitures and Charges mentioned in this Act, where the same respectively exceed not *Forty Shillings*, the same shall be recovered in the same Manner as other Debts under *Forty Shillings* by the Law of this Province; and where the same exceed *Forty Shillings*, they may be sued for and shall be recovered in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Essoin, Protection, or Wager of Law, nor any more than one Imparance shall be allowed. All which said Fines and Forfeitures not herein before directed how to be applied, shall be paid to the respective Officer or his Deputy aforesaid, who is hereby strictly enjoined and required to keep just and true Accounts thereof, and shall once every Year, at the Time of appointing Overseers of the Poor, deliver unto the Magistrates a true and exact List of all the Fines and Forfeitures arising from this Act for the Year past, in the respective Counties; the one half whereof he or they shall immediately pay into the Hands of the Overseers of the Poor, for the Use of the Poor of the Place where the Forfeitures happened, and the other he or they may detain to his or their own Use, as Prosecutor; and if any or either of the Officers as afore-

How the Forfeitures are to be recovered & disposed of.

said shall refuse or neglect to account for and pay as aforesaid, he or they shall forfeit their Office, any Law, Usage, or Custom to the contrary in any wise notwithstanding.

PROVIDED ALWAYS, that the Officer herein appointed to examine and brand Flour as aforesaid for the City and County of *Philadelphia*, nor his Deputies, nor any other Person or Persons to be appointed in their or either of their Places or Stead, shall during the Continuance of this Act, by him or themselves, or by any other Person to his or their Use or by his or their Procurement, vend, barter, sell, exchange or trade in Flour, under the Penalty of *Fifty Pounds*, to be recovered by Action of Debt, Bill, Plaint or Information, by any Person or Persons who will sue for the same to Effect, in any Court of Record in this Province, one half thereof to the Use of the Person or Persons so suing, the other half thereof to be paid to the Treasurer of this Province, towards the Support of Government. And the Person or Persons duly convicted of any such Offence or Offences against this Act, shall be and are hereby disabled from acting thereafter in their respective Offices; and the Justices of the City and County of *Philadelphia* are hereby authorized and required to appoint another or others in lieu or stead of the Person or Persons so offending, who shall have the same Powers and Authorities, and be liable to the same Restrictions and Penalties, as the Officers in this Act named, until others are appointed by the Assembly of this Province.

AND BE IT ENACTED by the Authority aforesaid, that the said Act, entituled, *An Act to prevent the Exportation of Bread and Flour not merchantable*, and every Article, Clause, or Thing therein contained, shall be and is hereby repealed to all Intents and Purposes whatsoever.

C H A P. CCCXXX.

*An ACT for confirming the Repeal of divers
Laws of this Province.*

WHEREAS the late King *CHARLES* the Second, by his Royal Charter bearing Date at *Westminster* the Fourth Day of *March*, in the Thirty-third Year of his Reign, was graciously pleased

pleased, for the Consideration therein mentioned, to give and grant unto the late *William Penn*, Esq; and to his Heirs and Assigns, all that Tract of Land now known and called by the Name of the Province of *Pennsylvania*. And by the same Royal Charter, the said late King did for himself, his Heirs and Successors, make, create, and constitute him the said *William Penn*, Esquire, true and absolute Proprietary of the said Country, living always to the said late King, his Heirs and Successors, the Faith and Allegiance of the said *William Penn*, Esquire, his Heirs and Assigns, and of all other the Proprietaries, Tenants and Inhabitants, that then were, or thereafter should be within the Territories and Precincts aforesaid; and likewise saving to the said late King, his Heirs and Successors, the Sovereignty of the aforesaid Country, To have, hold, possess and enjoy the said Tract of Land, together with all the Islands therein contained, unto the said *William Penn*, Esquire, his Heirs and Assigns, to the only proper Use and Behoof of the said *William Penn*, his Heirs and Assigns forever. A N D whereas the said late King *Charles* the Second, reposing special Trust and Confidence in the Fidelity, Wisdom, Justice, and provident Circumspection of the said *William Penn*, did further by his said Royal Charter, for himself, his Heirs and Successors, grant free, full and absolute Power to the said *William Penn*, Esquire, and to his Heirs, and to his or their Deputies and Lieutenants, for the good and happy Government of the said Country, to ordain, make, and enact, and under his or their Seal to publish, any Laws whatsoever, for the Raising of Money for the publick Use of the said Province, or for any other End, appertaining either to the publick State, Peace and Safety of the said Province, or to the private Utility of particular Persons, according to his or their best Discretion, by and with the Advice, Assent, and Approbation of the Freemen of the said Country, or the greater Part of them, or of their Delegates or Deputies. But to the End that the said *William Penn*, or his Heirs, or other the Planters, Owners or Inhabitants of the said Province, might not at any Time thereafter, by misconstruction of the Powers aforesaid, through Inadvertency, or Design, depart from the Faith and due Allegiance, which by the Laws of the Realm of *England*, they, and all the said late King's Subjects, in his Dominions and Territories, were always obliged to own to the said late King and his Successors, by colour of any Extent or Largeness of Powers in the said Royal Charter given, or pretended to be given, or by Force or Colour of any Laws thereafter to be made

made in the said Province, by Virtue of any such Powers, the said late King was pleased to declare his further Will and Pleasure to be, that a Transcript or Duplicate of all Laws, which should be so as aforesaid made and published within the said Province, should within Five Years after the Making thereof, be transmitted and delivered to the Privy Council for the time being, of the said late King, his Heirs and Successors. And if any of the said Laws within the Space of Six Months after they should be so transmitted and delivered, should be declared by the said late King, his Heirs and Successors, in his or their Privy Council, inconsistent with the Sovereignty or lawful Prerogative of the said late King, his Heirs and Successors, or contrary to the Faith and Allegiance due to the legal Government of the Realm of *England*, from the said *William Penn*, Esq; and his Heirs, or from the Planters and Inhabitants of the said Province, and that thereupon any of the said Laws should be adjudged and declared to be void by the said late King, his Heirs and Successors, under his or their Privy Seal; That then and from thenceforth, such Laws concerning which such Judgment and Declaration should be made, should become void, otherwise the said Laws so transmitted should remain and stand in full Force, according to the true Intent and Meaning thereof, as by the said Royal Charter, relation thereunto being had, does more fully appear. AND WHEREAS in Right of, and by Virtue of the Powers granted to the said *William Penn*, Esq; and his Heirs, in and by the said Royal Charter, many Laws and Ordinances have from time to time since the Settlement of the said Province been made by the said *William Penn*, Esquire, and his Heirs, and his and their Deputies and Lieutenants, by and with the Advice and Assent of the Delegates or Representatives of the Freemen of the said Province in General Assembly met, and publish'd under the Great Seal of the said Province. AND WHEREAS divers of the said Laws after being made and published in Manner aforesaid, have according to the Directions of the said Royal Charter, been transmitted to the Privy Council of the said late King and his Successors, where the same have been by them in their Privy Council adjudged to be void: But forasmuch as the said Laws not having been declared void under the Privy Seal of the said late King or his Successors, according to the express Words of the said Royal Charter, some Doubts have arisen, whether the said Laws were by such Declaration actually made void and repealed. To the End
THERE-

T H E R E F O R E that all Scruples touching the Repeal of the said Laws may be effectually removed, and that no Doubts may hereafter be made concerning the same, BE IT ENACTED by *PATRICK GORDON*, Esq; Lieutenant Governour by the King's Royal Approbation under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Esquires, true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all and every of the Laws, Ordinances, or Acts of Assembly of the Province of *Pennsylvania*, which at any Time before the Publication of this Act, have been transmitted to the Privy Council, and have been adjudged to be void by the said late King or his Successors in his or their Privy Council, though the same were not declared to be void under the Privy Seal (according to the Terms of the said Royal Charter) shall nevertheless be deemed, taken and allowed to be void, to all Intents and Purposes whatsoever from the Time of such Declaration, in the same manner as if the said Laws had been adjudged and declared to be void by the said late King or his Successors, or any of them, under his or their Privy Seal, the want of the said Privy Seal, or any other Formality in such Declaration in any wise notwithstanding.

C H A P. CCCXXXI.

An A C T the better to enable William Fishbourn to discharge the Debt due from him to the Trustees of the General Loan-Office of this Province. Obf.

ANNO REGNI
GEORGE II.
 REGIS
 OCTAVO.

At a GENERAL ASSEMBLY of the Province of *Pennsylvania*, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, *Anno Domini* One Thousand Seven Hundred and Thirty-three, in the Seventh Year of the Reign of our Sovereign Lord *GEORGE II.* by the Grace of *G O D*, of *Great Britain, France and Ireland*, KING, Defender of the Faith, &c. And from thence continued by Adjournments to the Twelfth of *August*, 1734.

C H A P. CCCXXXII.

*Vide 12. Wm.
 III. Chap. 53.
 and 11. Geo.
 I. Chap. 274.*

*An A C T the more effectually to prevent the
 Erecting of Wears, Damms, &c. within
 the River Skuykill.*

W H E R E A S by an Act of General Assembly of this Province, made in the Year One Thousand Seven Hundred and Thirty, for remedying the Inconveniences which the Inhabitants of the Counties of *Philadelphia* and *Chester*, living near the upper Parts

Parts of the River *Skuykill*, laboured under in the Carriage of their Corn and other Commodities down the said River, by reason of Erecting Wears, Fishing Damms, and other Devices (for taking of Fish) within the said River or Creek ; it was provided by the said Act, that all Wears, Fishing Damms, and other Devices or Obstructions whatsoever, built, laid, or erected within the River *Skuykill*, so as the Trade of the said Creek or River might be hindered or obstructed thereby, should be removed within the Time in the said Act limited ; and that if any such Obstruction should after the Publication of the said Act, be built, erected, or set up within the River or Creek aforesaid, whereby the Trade or Passage of the same might be impeded or hindred, all such Obstructions should upon Complaint made to two of the next Justices of the Peace, &c. be view'd, judged of, and removed, in the Manner in the said Act directed : B U T forasmuch as great Difficulties have arisen among the People living near the said River *Skuykill*, and others, about the Meaning of these Words, *Whereby the Trade or Passage of the said River may be impeded or hindred* ; and upon Experience the said Law being found to be in a great Measure impracticable, by reason of the Remoteness of the Magistrates from the Places where such Nusances are commonly erected : For Remedy whereof,

BE IT ENACTED by the Honourable *PATRICK GORDON*, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c. by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all and every Person and Persons who shall erect, build, set up, lay or maintain, or shall be aiding or assisting in erecting, building, setting up, laying, or maintaining any Wear, Racks, Fishing Damms, or other Device or Obstruction whatsoever, within the River *Skuykill*, shall upon Complaint made to any Justice of the Peace in the County of *Philadelphia*, *Chester*, or *Lancaster*, be bound to his or her good Behaviour, in the Sum of *Twenty Pounds*, and to appear at the next Court of General Quarter-Sessions of the Peace, of the County where Complaint is made ; and every such Person and Persons being thereof legally convict upon Indictment or Information, shall for every Offence forfeit and pay the Sum of *Forty Shillings*, one Moiety to the Use of the Workhouse of that County where such Conviction shall be had and

and the other Moiety to the Person or Persons who will inform or prosecute for the same.

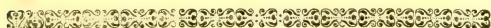
AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons whatsoever, to pull down, break or remove all or any Wear or Wears, Fishing Damms, Racks, or other Device or Obstruction whatsoever, built, erected, set up, or laid, or to be built, erected, set up or laid within the said River *Skuykill*; And that every Person or Persons who shall assault, hinder or obstruct any Person in pulling down, breaking or removing the said Wears, Racks, Fishing Damms, Devices or other Obstructions within the River *Skuykill* aforesaid, and being thereof legally convict, shall forfeit for every Offence any Sum not under *Forty Shillings*, nor exceeding *Ten Pounds*; one Moiety thereof to the Use of the Workhouse of the County where such Conviction is had, and the other Moiety to the Person or Persons assaulted or obstructed in pulling down, breaking or removing any such Obstructions as aforesaid.

AND WHEREAS Part of the Creek or River *Skuykill* divides the Counties of *Philadelphia*, *Chester*, and *Lancaster*, some Doubts have arisen in which of the said Counties the Offences committed within the said River shall be tried; For removing of which Doubts, BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for the Person or Persons informing, prosecuting, or complaining of any of the aforesaid Offences committed within the said River *Skuykill*, to lay the same to be committed within the said River in the County of *Philadelphia*, *Chester* or *Lancaster*, and the same shall be heard and tried in either of the same Counties, joining on that Part of the River where the Offence is committed, at his Election.

AND for the more speedy Removing such Obstructions as are already made, or hereafter shall be made, it shall and may be lawful for any Justice of the Peace within the Counties of *Philadelphia*, *Chester* or *Lancaster* respectively, and they are hereby enjoined and required, to Issue forth their Warrant to the Surveyors of the High-Ways, of the Townships next adjacent to the Obstruction so erected (or to such Person or Persons as such Justice shall think fit) requiring them to summon the Inhabitants of the respective

ive Townships, or the nearest Inhabitants to the Damm or Device so erected or laid, by giving them six Days Notice to repair to and remove the said Obstruction; and any Person or Persons refusing or neglecting to appear and assist in removing such Obstruction at the Time appointed, shall for every such Offence forfeit the Sum of *Five Shillings* to the Use of the Poor of the Township where the Offence is committed, to be levied as Debts under *Forty Shillings*.

AND BE IT HEREBY FURTHER ENACTED, That an Act of General Assembly of this Province, entituled, *An Act to prevent the erecting Weirs, Damms, &c. within the River Skuykill*, shall be and is hereby repealed to all Intents and Purposes whatsoever.



A N N O R E G N I

G E O R G I I II.

R E G I S

O C T A V O.

At a GENERAL ASSEMBLY of the Province of *Pennsylvania*, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, *Anno Domini* One Thousand Seven Hundred and Thirty-four, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE II.* by the Grace of *G O D*, of *Great-Britain, France and Ireland*, *K I N G*, Defender of the Faith, &c. And from thence continued by Adjournments to the Seventeenth Day of *March*, 1734.

C H A P. CCCXXXIII.

See before 4
Ann Chap.
146. and 4
Geo. I. Chap.
217.

A Supplement to the several Acts of Assembly of this Province for the Relief of the Poor.

W H E R E A S it is found by Experience, that the Laws of this Province made for the Relief of the Poor, and for Removing and punishing Rogues, Vagrants, and other Idle and disorderly Persons wandering about the Country, have not proved effectual for the good Purposes for which they were intended ; and for securing the Inhabitants of this Province from being oppressed with great Charges arising by such idle and disorderly Persons coming from the neighbouring Colonies into, and concealing themselves in the City of *Philadelphia*, and the respective Townships of this Province, until they have either gained a Settlement, or become so sick and infirm that they cannot be removed ; For Remedying which Inconveniencies, **B E I T E N A C T E D** by *PATRICK GORDON*, Esq; Lieutenant-Governor, with the King's Royal Approbation, under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That no Person or Persons whatsoever coming into the City of *Philadelphia*, or into any Township or County within this Province, Mariners and other healthy Persons coming directly from *Europe* only excepted, altho' such Person be an hired Servant and shall abide in such Service for the Space of one whole Year, and altho' any Person being an indentured Servant, or be bound Apprentice by Indenture in the said City, or in any Township within this Province, and shall continue in such Apprenticeship, or Servitude, for the Space of One Year, (which is hereby declared sufficient to gain such Apprentice and indentured Servant a Settlement, upon Notice given as is hereafter directed in this Act, and not otherwise) or altho' any Person or Persons shall on his own Account, execute any publick annual Office or Charge in the said City, or any Township within this Province during One whole Year, or be charged and pay his Share towards the County Taxes or Levies for the Poor of the said City or Township, or shall have *bona fide* taken a Lease of a Tenement or Plantation, of the Yearly Value of *Five Pounds* or upwards within the City

Who shall be
deem'd to have
gain'd no Set-
tlement, unless,
&c.

City of *Philadelphia*, or any Township of this Province, shall be deemed to have gained a legal Settlement in the said City or in any such Township, unless such Person or Persons shall within five Days next after his or her coming into the City of *Philadelphia*, or into any Township within this Province, give Notice in Writing, which they are hereby required to do, of the House of his or her Abode, and the Number of his or her Family, if any he or she have, to the respective Overseers of the Poor for the time being, of the said City or Township, into which he or she shall come; nor shall any hired or indented Servant or Apprentice, by Virtue of his or her being hired, bound or assigned over unto any Person inhabiting the said City, Township or County, as aforesaid, gain a Settlement within the same, unless Notice be given in Writing within Ten Days after such hiring or binding, as aforesaid, to the Overseers of the Poor of the City or Township where such Person shall come to reside, by the Person who shall take such Apprentice, hire a Servant, or purchase an indented Servant (or by the Person or Persons so hired themselves) within Ten Days next after such hiring; any Law, Custom, or Usage of this Province to the contrary in any wise notwithstanding.

PROVIDED ALWAYS, That if upon Complaint made by the Overseers of the Poor of the City of *Philadelphia*, or of any Township within this Province, to such Magistrates as have a Right to hear the same, it shall be adjudged within the Space of Twelve-Months next after such Notice, that any Person or Persons is, or are likely to become chargeable to the City or Township where he or she is come to reside, shall upon his or her being required, neglect or refuse to give Security, that he or she shall not become chargeable to the Inhabitants of the said City or Township, into which he or she is come, that then such Person or Persons shall be liable to be removed to the last Place of his or her legal Settlement, the giving of Notice as aforesaid, or any other thing in this or any other Act of Assembly of this Province to the contrary in any wise notwithstanding.

Persons likely
to become
chargeable, re-
fusing to give
Security, may
be removed,
&c.

AND for the more effectual preventing Rogues, Vagabonds, and other idle and disorderly Persons concealing themselves within the said City of *Philadelphia*, or in any Township or County within this Province, BE IT FURTHER ENACTED by the Authority aforesaid, That if any House-keeper or Inhabitant of this Province, shall after the Publication of this Act, take into, receive, or entertain in his
or

Every House-keeper to give Notice to the Overseers what Persons they entertain.

or her House or Houses any Person or Persons whatsoever (healthy Mariners, and other Persons coming immediately from *Europe* into the said Province only excepted) not being Persons who have gained a legal Settlement in some City or Township within this Province, and shall not give Notice in Writing, which they are hereby required to do within Three Days next after the taking into, or entertaining any Person or Persons in his or her House within the City of *Philadelphia*, to the Overseers of the Poor of the said City, and within the Space of Ten Days next after his or her taking into, or entertaining any Person or Persons in his or her House, in any Township within this Province, to the Overseers of the Poor of the Township where such Person dwells, such Inhabitant or House-keeper being thereof legally convict by the Testimony of One credible Witness, on Oath or Affirmation, before any two Magistrates of the said City of *Philadelphia*, whereof the Mayor or Recorder to be One, or before any Two Magistrates of the County where such Person dwells, shall forfeit and pay the Sum of *Twenty Shillings* for every Offence, the One Moiety to the Use of the Poor of the said City or Township respectively, and the other Moiety to the Informer, to be levied on the Goods and Chattels of the Delinquent, in the Manner herein after directed; and for want of sufficient Distress, the Offender to be committed to the Work-house of the said City or County, there to remain without Bail or Mainprize, for the Space of Ten Days; and moreover, in Case the Person or Persons so entertain'd or concealed shall become poor, and unable to maintain him or her self, and cannot be removed to the Place of his or her last legal Settlement, or shall happen to die, and not have wherewithal to defray the Charge of his or her Funeral, then in such Case the House-keeper or Person convicted of entertaining or concealing such poor Person, against the Tenor of this Act, shall be obliged to provide for and maintain such poor and indigent Person or Persons, and in Case of such poor Person's Death shall pay the Overseers of the Poor so much Money as shall be expended on the Burial of such poor and indigent Person or Persons; and upon refusal so to do, it shall be lawful for the Overseers of the Poor of the said City or Township respectively, and they are hereby required to assess a Sum of Money on the Person or Persons so convict from time to time by a weekly Assessment, for maintaining such poor and indigent Person or Persons, or assess a Sum for defraying the Charges of such poor Person's Funeral, as the Case may be; and in case the Party convict shall refuse to pay the Sum of Money so assessed

On Penalty of Twenty Shillings.

And shall maintain them if they be sick, and bury them if they die.

assessed or charged, to the Overseers of the Poor, for the Uses aforesaid, the same shall be levied of the Goods or Chattels of the Offender in the manner herein after directed ; but if such Person so convicted have no Goods or Chattels to satisfy the Money so assess'd for him or her to pay, that then it shall and may be lawful for the said Justices to commit the Offender to Prison, there to remain without Bail or Mainprize, until he or she have paid the same, or until he or she shall be discharged by due order of Law.

AND WHEREAS it is found by Experience, that many poor Persons within this Province cannot find Employment in the City or Township where they are legally settled, yet might find Work for themselves and Families in other Places within the Province, but not being able to give Security, if required, upon their coming to settle in any other Place, that they and their Families shall not become chargeable or burthensome to any City or Township where they come to dwell, and by that means are confined to their own City or Township, tho' their Labour may be wanted elsewhere ; BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever, from and after the first Day of May, which will be in the Year of our Lord *One Thousand Seven Hundred and Thirty Five*, shall come out of the City of *Philadelphia*, or any Township into another Township in this Province, or shall come out of any Township in this Province, into the City of *Philadelphia*, there to inhabit and reside, shall at the same time procure, bring and deliver unto the Overseers of the Poor of the City or Township where he or she shall come to inhabit, a Certificate under the Hands and Seals of the Overseers of the Poor of the City or Township from whence he, she or they removed, to be attested by two or more credible Witnesses, thereby acknowledging the Person or Persons mentioned in the said Certificate, to be an Inhabitant or Inhabitants legally settled in that City or Township ; every such Certificate, having been allowed of and subscribed by two or more Justices of the Peace of the City or County where such Township doth lie, shall oblige the said City or Township to receive and provide for the Person mentioned in the said Certificate, together with his or her Family, as Inhabitants of that Place whenever after he, she or they shall happen to become chargeable to, or be forced to ask Relief of the City or Township to which such Certificate was given, or into which he, she or they were received by Virtue of the said Certificate, and then and not before it shall and may be lawful for any such Person and

Poor Persons removed into another Township, to take a Certificate.

his or her Children, tho' born in the City or Township, and his or her Servants and Apprentices not having otherwise acquired a legal Settlement there, to be removed, conveyed and settled in the City or Township from whence such Certificate was brought.

AND WHEREAS it oftentimes happens that poor Persons come from the City of *Philadelphia*, into some Township or Place within this Province, and from some Place or Township of this Province, into the said City of *Philadelphia*, or into some other Township of this Province, and conceal themselves until they become sick or lame, and cannot be removed, and oftentimes die before they can be removed, by reason whereof the Inhabitants of the City or Township where such poor Person or Persons fell sick or died, are put to Charges, without any Means to relieve themselves from the Payment of the Moneys expended upon the Maintenance or Burying of such poor Person or Persons, BE IT THEREFORE FURTHER ENACTED, That if any poor Person or Persons shall come out of the City of *Philadelphia* into any Township within this Province, or shall come out of any Township or Place within this Province into the City of *Philadelphia*, or any other Township within this Province, and shall happen to fall sick or die before he or she have gain'd a legal Settlement in the City or Township to which he or she shall come, so that such Person or Persons cannot be removed, and if upon Notice given by the Overseers of the Poor of the Place unto which such poor Person is come, or by one of them, to the Overseers of the Poor of the City, Township or Place where such poor Person or Persons had last gained a legal Settlement, or to one of them, of the Name, Circumstances and Condition of such poor Person or Persons, with Request that they or one of them may take order for the Relief and Maintenance of such sick or lame Person during his or her Sickness, and for his or her being buried in case he or she should die, and if such Overseer or Overseers shall neglect or refuse so to do, that then and in such Case it shall be lawful for any two Justices of the Peace of the City or County where such poor Person had last gained a legal Settlement, and they are hereby authorized and required upon Complaint made to them, to cause all such Sum and Sums of Money as shall be necessarily expended on the Maintenance of such poor Person in his or her Sickness, or on his or her Burial, by Warrant under their Hands and Seals, to be directed to some Constable of their County, to be levied by Distress and Sale of the

the Goods and Chattles of the said Overseer or Overseers of the Poor so neglecting or refusing to take care and provide for any such poor Person as aforesaid, after such Notice given to them or to one of them as aforesaid, and to be paid to the Overseer or Overseers of the City or Township where such poor Person happened to be sick or die as aforesaid, and the Overplus of the Moneys arising by Sale of such Goods remaining in the Constable's Hands, after the Sum of Money ordered to be paid, together with the Costs of Distress, &c. are satisfied, shall be restored to the Owner or Owners of the said Goods.

AND WHEREAS by an Act of Assembly of this Province, intituled *An Act for the Relief of the Poor*, it is provided, that it shall and may be lawful to and for the Overseer or Overseers of the Poor, to make and lay a Rate of *One Penny per Pound* clear Value of Real and personal Estates of all and every the Freeholders and Inhabitants within their respective Townships, to be employed for the Relief of the Poor, &c. and *Four Shillings per Head* on all Freemen not otherwise rated, but it being found upon Experience that the Number of the Poor within this Province are very much increased, and the Overseers of the Poor of this City of *Philadelphia*, and the respective Townships within this Province, have been obliged to lay several Rates of *One penny per Pound* in one Year, for Maintenance of the Poor within the City of *Philadelphia*, and the respective Townships within this Province, which has proved very troublesome as well to the Persons on whom the said Moneys are raised, as to the Persons who are obliged to collect the same; For the Remedy of which Inconveniency for the future, BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful to and for the Overseers of the Poor of the City of *Philadelphia*, for the said City, having first obtained the Approbation of the Mayor or Recorder, with any two of the Aldermen of the said City, and for the Overseers of the Poor of the several Townships within this Province, having first obtained the Approbation of any two Magistrates living next to the Township where any Poors Tax shall be raised, to make or lay any Rate not exceeding *Three pence in the Pound* at one Time, upon all the Estates liable to be rated, and in the manner directed to be raised and levied by the aforesaid Act of Assembly *for the Relief of the Poor*, and not exceeding *Nine Shillings per Head* on all Freemen not otherwise rated, any thing in the aforesaid Act of Assembly, or any other Law, Custom, or Usage of this Province to the contrary in any wise notwithstanding.

AND

Overseers may lay a Rate of Three Pence in the Pound, or Nine Shillings per Head.

Overseers to deliver to a Justice, a Duplicate of the Rate they lay; and a List of the Poor to their Successors, &c.

A N D for the more easy Discovery, certain Knowledge, and well Management of the Affairs of the Poor within this Province, and of what Moneys are raised for the Use of the Poor, and to what Uses applied, B E I T F U R T H E R E N A C T E D by the Authority aforesaid, That all and every Overseer and Overseers of the Poor of any City or Township within this Province, shall at their laying any Rate for the Relief of the Poor of their respective Cities or Townships, and they are hereby obliged to deliver to one of the Justices of the Peace, who allows such Rate, a fair Duplicate of the same, signed by such Overseer or Overseers, and shall likewise deliver to the respective Overseer or Overseers who shall succeed them, fair and true Lists of the Poor of their respective City or Townships, with such Certificates and Notices as shall be delivered or given to them upon the coming of any Person from the City of *Philadelphia* into any Township of this Province, or of the coming of any Person from any such Township into the City of *Philadelphia*, or into any other Township within this Province, as by this Act is provided and directed; for which Trouble the Justices are hereby required to make such Allowance to the respective Overseer or Overseers of the Poor, within this Province, at their going out of their Office, as to them shall seem reasonable, for their making such Duplicates of the Rates by them laid, and for the Charge and Trouble they may be at in making fair Lists of their Poor, and of the Notices and Certificates herein directed to be delivered to their Successors, of which said Notices and Certificates a Register or Entry shall be made, by the respective Overseers of the Poor to whose Hands the same shall come, in a Book for that Purpose to be by them provided and kept; which Book shall likewise be delivered by the Overseers aforesaid to their respective Successors in the said Office.

A N D W H E R E A S Complaints have been made against Overseers of the Poor, who have supplied the Poor with Necessaries out of their own Stores and Shops at exorbitant Prices, and also against Overseers who have paid unreasonable Accounts to their Friends or Dependants, for Services done the Poor; A N D W H E R E A S the *Twenty-fifth Day of March* appointed by the aforesaid Act for the Relief of the Poor, is found by Experience not to be a sufficient time for Examining and Settling the Accounts of the several Overseers, and for regulating and redressing the Abuses that may be complained of; B E I T T H E R E F O R E

FORE ENACTED by the Authority aforesaid, That the Magistrates of the respective Counties, or any three of them, within this Province, for the said Counties, shall and may on the *Twenty-fifth Day of March*, and within three Days next after the said Day, and the Mayor or Recorder, with any two Aldermen of the City of *Philadelphia*, for the said City, shall and may on the said *Twenty-fifth Day of March*, and at any time within one Month after the said Day, annually examine and settle the said Overseers Accounts; and shall have full Power to allow such Accounts and Sums only, as to them shall seem just and reasonable.

Overseers Accounts to be examined and allowed by the Magistrates, &c.

AND WHEREAS the Alms-house built for the City of *Philadelphia*, may, if well regulated, be of Service, and help to ease the Inhabitants of the Taxes yearly assessed on them for the Maintenance of the Poor, BE IT ENACTED by the Authority aforesaid, That the Mayor and Recorder, with any two or more Aldermen of the said City of *Philadelphia*, shall from time to time have Power and Authority to chuse and appoint a sober and discreet Person to reside in the said Alms-house, for taking Care of the Poor therein, and, where it may be needful, to direct the Receiving into the said Alms-house such Poor, and to employ such Persons in the Service of the said House and care of the Poor, and generally to give such Orders and Instructions for the well-ordering of the said House, and the Poor of the said City, as to the said Mayor and Recorder, with any two or more Aldermen of the said City, shall seem just and reasonable, and to enjoin Obedience to the same.

Alms-House of *Philadelph*, who are to have the Government of it.

AND WHEREAS the Overseers of the Poor of the City of *Philadelphia*, and the respective Townships within this Province, at going out of their Office, not only frequently neglect or refuse to deliver to the Justices, a fair and true Account of the Moneys by them received for the Use of the Poor, but likewise leave considerable Sums of Money by them assessed for the Maintenance of the Poor, uncollected, by which means it comes to pass that the Moneys remaining uncollected are lost, and the Burthen of maintaining the Poor falls heavy on such as have paid their Money; For remedying of which Inconveniency for the future, BE IT ENACTED by the Authority aforesaid, That all and every the Overseer and Overseers of the Poor of the City of *Philadelphia*, and the respective Townships within this Province, shall, at their going out of their Office, render a fair and true Account to the Magistrates of the City of *Philadelphia*,

Overseers to render a fair Account, at going out of their Office.

delphia for the said City, and to the Justices of the respective Counties in which they live, of all the Moneys assessed by them, or that hath otherwise come to their Hands, and how the same hath been disposed of, and also what part shall be remaining in their Hands, and to pay the same to the succeeding Overseer or Overseers; and if any Overseer or Overseers of any Poor within this Province, shall refuse or neglect to render such Account to the Justices as aforesaid, and to pay what shall be remaining in their Hands, according to the Direction of the respective Magistrates who shall have the Right of Examining their Accounts, it shall and may be lawful to and for the said Justices, or any three of them, to commit such Overseer or Overseers to the County Goal, without Bail or Mainprize, until such Overseer or Overseers shall render a true and fair Account, and pay such Moneys as shall appear to be remaining in his or their Hands, to the succeeding Overseer or Overseers of the Poor of the said City or Township to which they respectively belong.

Penalty if they neglect or refuse to collect and pay what is assessed.

A N D if any Overseer or Overseers of the Poor of the City of *Philadelphia*, or of any Township within this Province, hath or have neglected or refused, or shall neglect or refuse to collect and pay to the succeeding Overseers, all such Sums of Money as is or shall be remaining in their Hands, or uncollected at their going out of his or their Office, which they are hereby enabled to collect by Warrant under the Hands and Seals of any two Magistrates within the said City or Counties, within the Space of *Thirty* Days after Notice and Request made to them so to do, by any Justice of the Peace, and being duly convicted thereof before any three Justices of the City or County to which they belong, it shall and may be lawful to and for the Mayor and Recorder, and any two of the Aldermen of the said City, and for any three Justices of the Peace of the County in which such Delinquent Overseer or Overseers dwell, by Warrant under their Hands and Seals to commit such Delinquent Overseer or Overseers to the Goal of the County to which they belong, there to remain without Bail or Mainprize until the same shall be paid.

How new Overseers are to be appointed in Case of Death, &c.

A N D to the End that the Poor may not suffer for want of proper Persons to take due care of them in their Sickness or Necessities, B E I T E N A C T E D by the Authority aforesaid, That in case of the Death or want of any Overseer of the Poor of the City of *Philadelphia*, or of any Township within this Province, it shall and may be lawful to

to and for the Mayor, Recorder, and any two Aldermen, or the Mayor or Recorder with any two Aldermen of the City of *Philadelphia*, for the City of *Philadelphia*, and any two Justices of the Peace of the County in which such Township lies, to appoint one or more Overseers of the Poor for the said City or Township as the Case may require, at any time when there shall be occasion; which Overseer or Overseers when so appointed, shall be subject to the same Rules and Penalties and obliged to the Performance of the same Duties and Services as if he or they had been appointed at the Time in the first recited Act of Assembly mentioned, any thing in the aforesaid Act, or any other Law of this Province to the contrary in any wise notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the several Fines, Forfeitures and Penalties, Sum and Sums of Money, imposed or directed to be paid by this Act, and not herein otherwise directed to be recovered, the same and every of them shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Delinquent or Offender, by Warrant under the Hands and Seals of the Mayor and Recorder, or of the Mayor or Recorder and one or more Aldermen of the City of *Philadelphia*, for the said City, and under the Hands and Seals of any two or more Justices of the Peace of the County where the Delinquent or Offender dwells, or is to be found; and after Payment or Satisfaction made of the respective Forfeitures, Fines, Penalties and Sums of Money directed to be levied by such Warrant as aforesaid, together with such legal Charges as shall become due in the Recovery thereof, the Overplus, if any, to be returned to the Owner or Owners of such Goods or Chattels, his or her Executors or Administrators.

How the Fines and Forfeitures, &c. are to be recovered, &c.

PROVIDED ALWAYS, That if any Person or Persons shall find him or themselves aggrieved with any Judgment of the Justices given out of their Sessions, in Pursuance of this Act, such Person or Persons may appeal to the next General Quarter-Sessions of the Peace for the County or City where such Judgment or Sentence was given, whose Decision shall in all such Cases be conclusive.

C H A P. CCCXXXIV.

An ACT for confirming the Election of the Commissioners and Assessors for the County of Bucks. Obs.

C H A P.

C H A P. CCCXXXV.

*An ACT to prevent the Damages which
may happen by Firing of Woods.*

WHEREAS by an Act of the General Assembly of this Province, past in the Twelfth Year of the Reign of King *William* the third, it is enacted, That whosoever shall presume to set on Fire any Woods, Lands or Marshes in this Province, or Territories, before the first Day of the first Month Yearly, or after the first Day of the third Month, shall make good all Damages that shall thereby happen to any the Inhabitants thereof; AND WHEREAS it hath on Experience been found that the setting the Woods on Fire at any Time hath proved rather hurtful than beneficial to this Province, and great Losses have happened by Occasion of such Fires; For prevention thereof BE IT ENACTED by *PATRICK GORDON*, Esq; with the King's Royal Approbation Lieutenant Governor under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New Castle*, *Kent*, and *Sussex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That the Act of Assembly herein before recited, and every Clause and Article therein, be and is hereby repealed to all Intents, Constructions and Purposes whatsoever.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That whosoever shall presume at any Time or Times hereafter to set on Fire, or cause to be set on Fire any Woods, Lands or Marshes whatsoever within this Province, so as thereby to occasion any Loss, Damage or Injury to any other Person or Persons, every such Person or Persons so offending, shall be and are hereby declared liable to make Satisfaction for the same, in any Action or Actions on the Case, to be brought by the Party or Parties grieved, in the Court of Common Pleas of the County where the Offence was committed.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED by the Authority aforesaid, That where the Party injured shall not Demand above *Forty Shillings* for his Loss or Damage, it shall and may

may be lawful to and for such Person or Persons to apply to any Justice of the Peace of the County where the Offence is committed, who is hereby impowered and required by Warrant under his Hand and Seal, to cause the Party offending to be brought before him, or some other Justice of the Peace of the same County, and if upon Examination it shall appear to such Justice by the Testimony of one or more credible Witnesses, that the Defendant is guilty of the Charge exhibited against him, then the said Justice shall issue forth his Warrant to two or more substantial Freeholders of the Neighbourhood, thereby commanding them in the Presence of the Defendant, (if he will be present) to view the Place or Thing damnified, or enquire into the Loss sustained by the Plaintiff, and to certify to the said Justice upon their Oath or Affirmation, what Damage in their Judgment the Plaintiff hath sustained by Occasion of the Premises; and that upon Return of such Certificate to the said Justice, he is hereby impowered to grant Execution for the Recovery of the said Damages, together with such Costs of Prosecution, as is usual in the Recovery of Debts under *Forty Shillings*.

PROVIDED ALSO, That no Costs of Suit shall be paid to any Plaintiff, in any Suit to be brought for any Matter or Thing in this Act mentioned, if the Jury who shall try the Cause, do not assess above *Forty Shillings* Damage, any Law, Custom or Usage to the contrary, in any wise notwithstanding.

PROVIDED ALSO, That where any Offence shall be committed against the Tenor of this Act, by any Servant, Negro or Slave, without the Direction of his, her or their Master or Mistress respectively, and such Offender be thereof duly convicted by the Oath or Affirmation of one credible Witness, before any Justice of the Peace of the respective Counties, such Offender or Offenders, unless his or her Master or Mistress will pay the Damages sustained, with Costs of Suit, shall be whip'd with any Number of Stripes, not exceeding *Twenty-one*, on his or her bare Back, at the Discretion of the Justice, before whom the Party shall be convicted, and further shall be committed to the Workhouse of the County where the Offence is committed, there to remain until the Costs of Prosecution shall be paid.

C H A P. CCCXXXVI.

An A C T for the better enabling divers Inhabitants of the Province of Pennsylvania, to hold Lands, and to invest them with the Privileges of natural-born Subjects of the said Province.

WHEREAS by the Encouragement given by the Honourable *William Penn, Esq;* late Proprietary and Governour of the Province of *Pennsylvania*, and by the Permission of our present Sovereign King *George the Second*, and his Predecessors, Kings and Queens of *England*, &c. divers Protestants, who were Subjects of the Emperor of *Germany*, and other Foreign Princes in Amity with the Crown of *Great Britain*, transported themselves and Estates into the Province of *Pennsylvania*, and since they came hither have contributed to the Enlargement of the *British* Empire, and to the raising and improving sundry Commodities fit for the Markets of *Europe*; and have behaved themselves peaceably, and paid a due Regard and Obedience to the Laws and Government of this Province :

A N D W H E R E A S many of the said Persons, to wit, *John Diemer, David Scholtze, Peter Hillegas, Wilhelm Ziegler, Paulus Kripner, Jacob Siegel, George Scholtze, Ulrich Aller, Caspar Ulrich, Henry Van Aken, John Iden, Adam Klamter, Anthony Benezet*, of the City of *Philadelphia*, *Anthony Bohm, Conrad Bensell, Adam Romich, Fredrick Reimer, Joseph Graff, Henry Slingloff, Michael Berger, George Souber, Alexander Dibl, Jacob Bowman, Gottlieb Herger, Daniel Schoner, Adam Galar, Nicholas Leisber, jun. Peter Souber, Conrad Reble, Hans George Weigert, Christopher Mink, Johannes Zirwer, Sebastian Reiff Schneider, Jacob Kemp, Jacob Hill, John Souber, Abraham Zimmerman, Christian Weber, Nicolas Keyser, Martin Pitting, Conrad Keer, Conrad Kustor, Jacob Dubre, Anthony Zadouski, Hans Pingeman, Andreas Kraver, Lodwick Pitting*, of the County of *Philadelphia*, *John George Kinkner, William Morey, Peter Schneider, John Joder, Christian Klimmer, John Joder, jun. Joseph Eberhart, Michael Eberhart, John Brecht, Henry Schneider, George Zeitwitz, Michael Weber, Ulrich Rubel, Jacob Kangweer, Diter Gauff, Henry Rinker*, of the County of *Bucks*, *George Donat, Garret Brownback*,

back, of the County of *Chester*, *John George Beard*, *John Casper Stover*, *Michael Weidler*, *Frederick Elberschidt*, *Peter Entz-minger*, *Jacob Kersberger*, *Jacob Byerly*, *Jacob Leman*, and *Michael Beyerly*, in the County of *Lancaster*, in the said Province; in Demonstration of their Affection and Zeal for the Person and Government of Our present Sovereign King *GEORGE* the Second, have qualined themselves by taking and subscribing the several Oaths and Declarations or solemn Affirmations directed to be taken and subscribed by several Acts of Parliament made for the Security of the King's Person and Government, and for preventing the Dangers which may happen by popish Recufants, &c. and thereupon, have humbly applied to the Governour and the Representatives of the Freemen of this Province, in General Assembly met, setting forth their great Desire of being made Partakers of those Priviledges, which the Natural-born Subjects of *Great Britain* do enjoy within this Province; and it being just and reasonable that those Persons who have given such Testimony of their Affection and Obedience to the Crown of *Great Britain*, should as well be secured in the Enjoyment of their Estates, as encouraged in their laudable Affection to, and Zeal for the English Constitution,

BE IT ENACTED by *PATRICK GORDON*, Esq; with the King's Royal Approbation Lieutenant Governour under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent*, and *Sussex* on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That *John Diemer*, *David Scholtze*, *Peter Hillegas*, *Wilhelm Zeigler*, *Paulus Kripner*, *Jacob Siegel*, *George Scholtze*, *Ulrich Aller*, *Casper Ulrich*, *Henry Van Aken*, *John Iden*, *Adam Klamter*, *Anthony Benezet*, of the City of *Philadelphia*, *Anthony Bohm*, *Conrad Bensell*, *Adam Romich*, *Fredrick Reymer*, *Joseph Graff*, *Henry Slingloof*, *Michael Berger*, *George Souber*, *Alexander Dibl*, *Jacob Bowman*, *Gottlieb Herger*, *Daniel Schöner*, *Adam Galar*, *Nicholas Leisber, jun.* *Peter Souber*, *Conrad Reble*, *Hans George Weigert*, *Christopher Mink*, *Johannes Zirwer*, *Sebastian Reiff Schneider*, *Jacob Kemp*, *Jacob Hill*, *John Souber*, *Abraham Zimmerman*, *Christian Weber*, *Nicholas Keyser*, *Martin Pitting*, *Conrad Keer*, *Conrad Kuster*, *Jacob Dubre*, *Anthony Zadouski*, *Hans Pingeman*, *Andreas Kraver*, *Lodwick Pitting*, of the County of *Philadelphia*, *John George Kinkner*, *William Morey*, *Peter Schneider*,

Schneider, John Joder, Christian Klimmer, John Joder, jun. Joseph Eberhart, Michael Eberhart, John Brecht, Henry Schneider, George Zeitwitz, Michael Weber, Ulrich Rubel, Jacob Kangweer, Diter Gauff, Henry Rinker, of the County of Bucks, George Donat, Garret Brownback, of the County of Chester, John George Beard, John Casper Stover, Michael Wiedler, Fredrick Elberschidt, Peter Entzminger, Jacob Kersberger, Jacob Byerly, Jacob Leman, and Michael Byerly, of the County of Lancaster, in the said Province, be and shall be to all Intents and Purposes deemed, taken and esteemed the King's Natural-born Subjects of this Province of Pennsylvania, as if they and each of them had been Born within the said Province; and shall and may, and every of them shall and may within this Province, take, receive, enjoy, and be entituled to all Rights, Priviledges and Advantages of Natural-born Subjects, as fully to all Intents, Constructions and Purposes whatsoever, as any of the King's Natural-born Subjects of this Province can, do, or ought to Enjoy.



A N N O R E G N I
G E O R G I I II.
R E G I S
N O N O.

At a GENERAL ASSEMBLY of the Province of *Pennsylvania*, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, *Anno Domini* One Thousand Seven Hundred and Thirty-five, in the Ninth Year of the Reign of our Sovereign Lord *GEORGE II.* by the Grace of *GOD*, of *Great-Britain, France and Ireland*, KING, Defender of the Faith, &c. And from thence continued by Adjournments to the Twelfth Day of *January*, 1735.

C H A P. CCCXXXVIII.

*A Supplement to the Law for laying out
High-ways and Publick Roads.*

W H E R E A S by a Law of this Province, enabling the Justices in each County to lay out and confirm all Roads, except the King's Highways and publick Roads, it is provided that all Roads within this Province, laid out by the Directions of the said Act, shall be publick Highways, and shall be cleared and maintained at the Charge or by the Inhabitants of the Township in which the said Road lies, and that if any Part of such Road, altho' the same be laid out for the Conveniency of one or but few Persons, shall happen to be laid out thro' the improved Ground of any Person, the said improved Ground is to be valued as by the said Act is directed, and paid for out of the County Stock; which Parts of the said Law have, since the great Increase of our Inhabitants, been found to be very inconvenient and burthenfome as well to the Publick as to private Persons; For Remedying of which Inconveniency, **B E I T E N A C T E D** by *PATRICK GORDON*, Esq; with the King's Royal Approbation Lieutenant Governor under the Honourable *John Penn, Thomas Penn* and *Richard Penn*, Esqrs; true and absolute Proprietors of the Province of *Pennsylvania*, and of the Counties of *New-Castle, Kent* and *Sussex* on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That upon the Application of any Person or Persons to the Justices of the General Quarter-Sessions of the Peace, for a Road to be laid out from or to the Plantation or Dwelling-Place of any Person or Persons, to or from the Highway, the said Justices shall and they are hereby empowered to order and direct a View of the Place where the Road is requested to be laid, and Return thereof to be made in the same Manner as by the beforementioned Act of Assembly is directed and appointed; and if a Road shall be found necessary, the said Justices shall further order and appoint of what Breadth the said Road shall be, so as the same exceed not thirty-three Foot.

A N D B E I T F U R T H E R E N A C T E D
by the Authority aforesaid, That any Road or Cart-way
laid out in pursuance of this Act, not exceeding Thirty-

three Foot in Breadth, being first paid for, by the Person or Persons herein after directed to pay for the same, shall then be recorded, and from thence forward shall be allowed to be a common Road or Cart-way, as well for the Use and Conveniency of the Person or Persons at whose Request the same was laid out, as for the Use and Conveniency of all such as shall have Occasion to travel to and from the Plantations or Dwellings of such Persons upon whose Application the same Road was laid out, and shall be cleared and maintained by the Persons using the same to and from their respective Dwellings; and if any such Person or Persons being summoned by the Overseers of the Highways to assist in clearing or maintaining any such Cart-way or Road, shall refuse or neglect to attend and give his Assistance in doing the same, shall be subject to the like Penalties, to be recovered in the like Manner as in and by an Act of Assembly of this Province, Entituled, *An Act for the Erecting of Bridges and maintaining Highways*, is provided and directed in Case of the Non-attendance of any Person summoned to work in repairing of Highways. And if it shall happen that the said Road shall be laid out thro' any Man's improved Ground, then the same shall be valued as in the aforesaid Act of Assembly is directed, and the Value thereof shall be paid to the Owner or Owners of the Land by the Person or Persons at whose Request and for whose Use the same was laid out, and by those who shall use the same as a common Road to and from their own Dwellings,

A N D if the Owner or Owners of such Lands through which any such Cart-way shall be laid out, or if the Owner or Owners of such Lands through which any Cart-way or Road has been already laid out in pursuance of the before-mentioned Act of Assembly, the same Road being only for the Use of a few Families, shall be desirous to hang Swinging-Gates upon such Roads, it shall and may be lawful for the Justices aforesaid to appoint Persons in the Manner directed for laying out Roads in the aforesaid Act of Assembly, to enquire whether such Gate or Gates may without much Inconveniency to the Persons using the said Road, be hung upon the same. And if the Persons appointed to view the Place shall certify to the Justices aforesaid, that a Gate or Gates may be hung according to the Prayer of the Party, without much Inconveniency to the Person or Persons using the same, the Justices shall in such Case order and appoint that such Gate or Gates may be

be hung accordingly, and that the same shall be made and kept in good Repair by the Owner of the said Land ; and made easy for the Passage of the Persons using the said Road, the aforesaid Act of Assembly or any other Law of this Province to the contrary in any wise notwithstanding.

C H A P. CCCXXXIX.

*An A C T for regulating Retailers of Liquors
near the Iron-Works.*

WH E R E A S the Erecting of Furnaces for Running and Melting Iron-Oar, hath proved successful and advantageous to the Trade of this Province in general, and if duely encouraged and improved will render our Commerce with *Great-Britain* of Esteem there, and our Remittances more easy and beneficial to the Inhabitants here than the Methods heretofore used ; **A N D W H E R E A S** the Act against Selling Rum and other Liquors near those Furnaces, hath been found useful and necessary to prevent many Inconveniencies detrimental and injurious to the said Works, but the said Act is now expired ; To the End therefore that the said Inconveniencies may be still prevented, and all due Encouragement given to the Undertakers of the said Works, **B E I T E N A C T E D** by *PATRICK GORDON*, Esq; with the King's Royal Approbation Lieutenant Governor under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania*, and Counties of *New Castle*, *Kent*, and *Suffex*, on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That no Person or Persons whatsoever from and after the Publication of this Act, shall within the Distance of Three Miles to any Furnace now erected or hereafter to be erected within the said Province, keep a publick House, sell by Permit, or otherwise dispose of any Wine, Rum, Brandy, or other Liquors, (except he or they shall be specially recommended for a Licence or Permit to the Justices of the County where such Furnace is, by a Majority of the Owners of such Iron-Works, near which he or they are desirous of Keeping a Publick House, or Selling Rum, Wine, Brandy or other Liquors) under the Penalty
of

of *Forty Shillings* for every such Offence, being thereof convicted by his or their own Confession, or by the Oath or solemn Affirmation of two or more credible Witnesses, before any Justice of the Peace of the County where such Offence is committed, to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of the said Justice before whom such Conviction is made, which Warrant such Justice is hereby empowered and required to make, seal and grant. And where Distress cannot be found to be made on the Offender's Goods, it shall and may be lawful to and for the said Justice of Peace, to commit such Offender or Offenders to the County-Goal where the Offence is committed, there to remain without Bail or Mainprize for the Space of Twenty Days.

AND BE IT ENACTED by the Authority aforesaid, that the Justices of the Peace of the County in which any such Furnaces are erected, upon Complaint to them made, shall, and they are hereby required and enjoined, at any of the General Quarter-Sessions of the Peace to be held for any of the Counties aforesaid respectively, to direct and appoint the Rates or Prices to be taken by any Innkeeper, or other Retailer of Rum, Wine, Brandy, and other strong Liquors whatsoever, to be sold within the Limits or Distances of the Furnaces aforesaid. And if any Innkeeper or Retailer of strong Liquors within those Limits or Distances, shall exact, demand, and take any other and greater Prices for any of the Liquors aforesaid, than shall be so directed and appointed by the Justices as aforesaid, and shall be thereof convicted by the Oaths or Affirmations of two credible Witnesses, before any one or more of the Justices of the Peace of the Counties aforesaid respectively, every such Offender shall forfeit and pay for each such Offence the Sum of *Twenty Shillings* to be applied to the Uses herein after directed.

AND BE IT FURTHER ENACTED the Authority aforesaid, That all the Fines, Forfeitures and Penalties mentioned in this Act, shall be and are hereby appropriated, one Half thereof to the Overseers of the Poor of the Township where the Offence is committed, for the Use of the Poor of the said Township, and the other Half thereof to the Use of the Prosecutor.

AND this Act to continue in Force for *Five Years*, after its Publication, and from thence to the End of the next Sessions of Assembly, and no longer.

C H A P.

C H A P. CCCXL.

An A C T for Vesting the State-House and other Publick Buildings, with the Lots of Land whereon the same are erected, in Trustees for the Use of this Province.

WHEREAS by the Directions of the Representatives of the Freemen of the Province aforesaid, *Andrew Hamilton* and *William Allen*, Esqrs; made Purchases of divers Lots of Land situate and being on the South Side of *Chestnut-Street* in the City of *Philadelphia*, lying contiguous to each other, and bounded as followeth, *viz.* Beginning at a Corner on the East Side of the *Sixth-street* from *Delaware*, and on the South Side of *Chestnut-street*, and extending thence by the said *Chestnut-street* South seventy-five Degrees East three Hundred and ninety-six Feet to a Corner on the West Side of the *Fifth-street* from *Delaware*, thence by the same South fifteen Degrees West three Hundred and thirty-seven Feet, thence by other Ground North seventy-five Degrees West one-Hundred forty-eight Feet and an half to a Line of a Lot of Ground reputed to be vacant, thence by the same these three several Courses and Distances next following, *viz.* North fifteen Degrees East eighty two Feet, thence North seventy-five Degrees West ninety-nine Feet, thence South fifteen Degrees West eighty-two Feet, thence by other Ground North seventy-five Degrees West one Hundred forty-eight Feet and an half to the East Side of the *Sixth-Street* aforesaid, thence by the same North fifteen Degrees East three Hundred and thirty-seven Feet to the Place of Beginning.

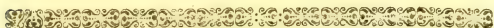
A N D W H E R E A S since those Purchases made, a State-House and other Buildings have been erected on the Ground aforesaid at the Charge of the Province, but the Estate and Inheritance therein yet remain in the same *Andrew Hamilton* and *William Allen*; **N O W** to the Intent that the said State-House, Buildings and Ground aforesaid, may be effectually secured to the Use of this Province, it is thought necessary the Estate in the Premises should be vested in Trustees for the Uses, Intents and Purposes herein after specified; to which End **B E I T E N A C T E D** by *PATRICK GORDON*, Esq; Lieutenant Govern-

nor with the King's Royal Approbation under the Honourable *John Penn, Thomas Penn, and Richard Penn, Esqrs;* true and absolute Proprietors of the Province of *Pennsylvania*, and of the Counties of *New-Castle, Kent, and Suffex on Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That the aforefaid *Andrew Hamilton and William Allen* as soon as conveniently may be after the Publication of this Act, shall and they are hereby required by some good and sufficient Deed or Deeds, Assurance or Assurances in the Law, to grant, bargain, sell, enfeoff and convey unto *John Kinsey* of the City of *Philadelphia*, *Joseph Kirkbride, jun.* of the County of *Bucks*, *Caleb Cowpland* of the County of *Chester*, and *Thomas Edwards* of the County of *Lancaster*, Esqrs; the Lands, Tenements and Hereditaments aforefaid, and all and singular the Appurtenances thereunto belonging or in any wise appertaining, *To have and to hold* to them the said *John Kinsey, Joseph Kirkbride, jun. Caleb Cowpland, and Thomas Edwards*, and the Survivors and Survivor of them, and to the Heirs of the Survivor of them for ever, YET NEVERTHELESS to the Uses, Intents, and Purposes herein after specified, and to no other Use, Intent or Purpose whatsoever, *That is to say*, To and for the Use of the Representatives of the Freemen aforefaid, which now are, and from time to time hereafter shall be duly elected by the Freemen aforefaid; and to and for such other Uses, Intents and Purposes as they the said Representatives at any Time or Times hereafter in General Assembly met shall direct and appoint.

PROVIDED ALWAYS, and it is hereby declared to be the true Intent and Meaning of these Presents, that no Part of the said Ground lying to the Southward of the State-House as it is now built, be converted into or made use of for Erecting any Sort of Buildings thereupon, but that the said Ground shall be enclosed, and remain a publick open Green and Walks for ever.

AND on this further Trust and Confidence, and to this further Intent and Purpose, that they the said *John Kinsey, Joseph Kirkbride, jun. Caleb Cowpland, Thomas Edwards*, and the Survivors and Survivor of them, and the Heirs of such Survivor, shall from time to time and at all times hereafter, permit and suffer such Suit or Suits, Action or Actions to be commenced and prosecuted in his or their
Name

Name or Names, and to make such Conveyance or Conveyances of the Lands, Tenements and Hereditaments or any Part or Parcel thereof to the Uses aforesaid, as the Representatives aforesaid in General Assembly met shall at any Time or Times hereafter direct and appoint, so always that they the said *John Kinsey, Joseph Kirkbride, jun. Caleb Cowpland, and Thomas Edwards*, and their Heirs, Executors and Administrators, and every of them, be well and truly indemnified, saved and kept harmless of and from any Costs, Charges, Troubles or Molestations whatsoever, which may arise or happen for or by Reason of such Suit or Suits, Conveyance or Conveyances so to be commenced, prosecuted, made and executed.



A N N O R E G N I

G E O R G I I I I.

R E G I S

D U O D E C I M O.

At a GENERAL ASSEMBLY of the Province of *Pennsylvania*, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini One Thousand Seven Hundred and Thirty-seven, in the Eleventh Year of the Reign of our Sovereign Lord *GEORGE II.* by the Grace of *GOD*, of *Great-Britain, France and Ireland*, KING, Defender of the Faith, &c. And from thence continued by Adjournments to the Seventh of *August*, 1738.

C H A P. CCCXLI.

*An A C T for Laying an Excise on Wine,
Rum, Brandy, and other Spirits.*

Preamble

W H E R E A S the several Acts for laying an Excise on Wine, Rum, Brandy and other Spirits, retailed within this Province, are now expired, Therefore to the End farther Provision be made for the Payment of the Publick Debts, and defraying the other necessary Charges of Government ; B E I T E N A C T E D by the Honourable *GEORGE THOMAS*, Esq; Lieutenant Governor, with the King's Royal Approbation, under the Honourable *John Penn, Thomas Penn, and Richard Penn*, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania* ; by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same ; That there shall be throughout this Province raised, levied, collected and paid, for all Rum, Brandy, and other Spirits, sold, drawn or bartered, by any Person or Persons whatsoever, by any Quantity under Seventy Gallons, and for all Wine, sold, drawn or bartered under the Quantity of one Hoghead, and to be delivered at one Time, and to one Person, at any Time after the *First Day of September, One Thousand Seven Hundred and Thirty Eight*, and before the *First Day of September, One Thousand Seven Hundred and Forty Three* ; the Rate or Sum of *Four Pence* per Gallon, and so proportionably for a greater or lesser Quantity.

Four Pence
per Gallon.

Retailer shall
enter his
Name, &c.

A N D B E I T F U R T H E R E N A C T E D by the Authority aforesaid, That every Retailer of all or any of the said Liquors, before he or they draw, sell, or barter any of the said Liquors, shall enter his or her Name and Place of Abode, with the Collectors of the respective Counties herein after appointed, or their Deputies, in Books to be by them kept for that Purpose, and shall also take and have from the said Collectors, or their Deputies respectively, a Permit for drawing or selling such Liquors, for which Entry and Permit, they shall pay *One Shilling*, and no more.

P R O V I D E D A L W A Y S, That no such Permit be granted to any Person or Persons, to retail the Liquors

quors aforefaid, the Rates and Duties whereof (by this Act impofed) do not amount to the Value of *Three Pounds per Annum*, and fo in Proportion for a leffer Time, unlefs fuch Retailer or Retailers, at the Time of their obtaining fuch Permit as aforefaid, will undertake and give Security (if thereunto required by the faid Collectors refpectively) well and truly to pay fo much to the faid Collectors as fhall make up the Rates and Duties by this Act impofed, the Sum of *Three Pounds per Annum*, and fo proportionably for a longer or fhorter Time.

Not lefs than
Three Pounds
per Annum.

A N D all fuch Retailers, and every of them, are hereby enjoined once in every Three Months, or oftner if required, to make true and particular Entries with the Collectors or their Deputies aforefaid refpectively, upon Oath or Affirmation, (which the faid Collectors or their Deputies are hereby fully impowered to adminifter) of all Wine, Rum, Brandy and other Spirits, which they or any of them fhall have vended, bartered or retailed within that time, and fo from time to time during the Continuance of this Act: And fhall and are hereby required to account and pay to the faid Collectors or their Deputies, refpectively, once in every Three Months or oftner if required, all fuch Sum and Sums of Money, as fhall become due and payable by Virtue of this Act.

Retailers to
make Payment
once in 3 Mon.

A N D B E I T F U R T H E R E N A C T E D by the Authority aforefaid, That all and every Retailer of all or any of the Liquors aforefaid, fhall on the Entry of their Names and Places of Abode with the Officers aforefaid, give unto the faid Collectors or their Deputies, an exact and true Account of all Wine, Rum, Brandy and other Spirits, which fhall be in their Poffeffion at the Time of Entry aforefaid, and of whom purchafed; and fhall alfo from time to time after the firft Day of *September* next, before they take into their Houfes, Shops, Cellars, Vaults or Stores, any Cask or Quantity of Liquors liable to pay the Duties impofed by this Act, make Entry of all and every fuch Cask or Quantity of Liquors, with the Collectors aforefaid or their Deputies, refpectively, with the Marks, Numbers and Contents thereof, and of whom purchafed; and fhall receive from him a Certificate or Duplicate of fuch Entry, if required by the Party; for which Entry and Certificate the faid Retailer fhall pay *Sixpence*, and no more.

True Account
of Liquors to
be given the
Col.

Penalty on Retailers not entering, &c.

Penalties for neglecting to pay, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Retailer shall presume to retail, draw, sell or barter any of the Liquors aforesaid, without having first entered his or her Name and Place of Abode with the Collectors or their Deputies, as this Act directs, every such Retailer shall forfeit and pay the Sum of *Five Pounds*, over and above the Duties for all such Liquors retailed by them as aforesaid. Or if after such Entry made, any such Retailer shall refuse or neglect to make true and particular Entries every three Months, as directed by this Act; or shall refuse or neglect to account with or pay to the said Collectors, or their Deputies, what shall appear to be due by this Act, upon the Entries made by them as aforesaid, once in every Three Months or oftener if thereunto required, every such Retailer shall forfeit and pay for so neglecting or refusing to enter the Liquors drawn every Three Months respectively, and to account and pay as aforesaid, for the First Offence the Sum of *Forty Shillings*, and for the Second Offence *Five Pounds*, and have their Permit or Licence taken away, and are hereby declared incapable of Retailing or Selling any of the Liquors aforesaid, during the Continuance of this Act. And if the Person or Persons liable to pay the Duties arising upon selling or retailing of the Liquors mentioned in this Act, shall neglect or refuse to pay the same in the manner and at the times herein limited and appointed, by the Space of Ten Days after the same ought to be paid, it shall and may be lawful for the said Collectors respectively, by Virtue of a special Warrant for that purpose, signed and sealed by any one Justice of the Peace of the City or County where the Offence is committed, to empower the said Collector to levy the same by Distress and Sale of the Goods and Chattels of the Offender, rendring the Overplus if any be, to the Owner or Owners, after reasonable Charges deducted.

Liquors not truly entred, to be seized.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person shall make short or fraudulent Entries of the Liquors in his or her Possession as aforesaid, or shall neglect or refuse to enter and take Permits for such Liquors as he or she shall receive into his or her House, Shop, Cellar, Vault, Store or other Place, after the said first Day of *September* next, all such Liquors not entred as aforesaid, shall be forfeited; and the Collectors hereafter named, or their Deputies, are hereby respectively empowered to enter at any time when they shall see convenient, the House, Cellar, Vault, Store or Shop

Shop of any Retailer, and to compare the Liquors in such House, Cellar, Vault, Shop or Store with the Entries made, and to seize and take away all such Liquors as shall be found not truly entred as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Collectors or their Deputies may enter into any House, Cellar, Vault, Store or other Room, to search, examine, and gauge the Liquors of any Person retailing, with or without Licence or Permit, as often as he or they shall see fit; and upon their refusing him Liberty so to do, he may force and break open Doors to gauge and examine the same; and in Case of Opposition, if necessity requires, shall take to his Assistance the Sheriff or one or more Constables of the Town or County respectively, who without any other Warrant are hereby, under the Penalty of *Five Pounds* for every Refusal or Neglect, required to be aiding and assisting to the said Collectors, and their Deputies, therein, for the better and more effectual collecting the Duties, Penalties and Forfeitures imposed by this Act.

Collectors may enter Houses, &c. to search, &c.

PROVIDED ALWAYS, That there shall be allowed by the Collectors or their Deputies, unto the several Retailers of the Liquors aforesaid, *Fifteen per Cent.* for Leakage and Wastage; and if any Cask should happen to start or burst, no Duties shall be reckon'd for so much of the said Liquors as such Retailers shall prove was lost thereby.

Allowance for Leakage, &c.

AND BE IT ENACTED by the Authority aforesaid, That *Joseph Wharton*, of *Philadelphia*, Gent. shall be and is hereby appointed Collector of the Excise, &c. within the City and County of *Philadelphia*; and that *William Atkinson* of *Bucks* County, Gent. shall be and is hereby appointed Collector of the Excise, &c. for the County of *Bucks*; and that *Thomas Cummings* of *Chester* County, Gent. shall be and is hereby appointed Collector of the Excise, &c. for the County of *Chester*; and that *Jame Mitchel* of *Lancaster* County, Gent. shall be and is hereby appointed Collector of the Excise, &c. for the County of *Lancaster*; which said several Collectors are hereby severally empowered, by themselves, or their Deputies, to be by them duly constituted, and for whom they shall be accountable, to demand, collect, receive, and recover the Excise appointed to be paid by this Act, of and from all and every

Collectors Names.

every Person or Persons (within their respective Counties and Places for which they are appointed) retailing or vending any of the Liquors by this Act liable to pay the Duties aforesaid, and also to recover and receive all and every the Duties, Fines and Forfeitures laid or imposed, or that shall happen to arise or become due for any thing done contrary to the true Intent and Meaning of this Act.

Collectors to
keep fair Ac-
counts.

AND the said Collectors are hereby required to keep true and fair Accounts in Writing, of all their Doings in the Premises, which Accounts they shall, when thereunto required, submit to the View and Inspection of the Provincial Treasurer, for the Time being; and thereupon settle and adjust the said Accounts, and also lay the same before the Assembly of this Province, when and so often as they shall be thereunto required.

And to make
Payment to
the Treasurer.

AND the said Collectors and each of them shall once in Three Months, or oftener if required, pay unto the Provincial Treasurer all such Sums Money as they shall receive by Virtue of this Act, (to be disposed of as the Assembly of this Province shall think fit to direct) deducting out of the same *Ten per Cent.* for all Sums by them received in the Counties of *Bucks, Chester, and Lancaster,* and *Seven and a Half* for the County and City of *Philadelphia*, for their Trouble and Care in Collecting and Paying the same, and deducting also one Moiety of all the Forfeitures by them recovered for any Offence committed against this Act, after Charges paid and satisfied; and shall be further allowed in the final adjusting their Accounts with the Assemblies of this Province, all reasonable Charges which may have accrued in prosecuting Persons offending against this Act.

Collectors may
be distrained
on, and may
also distrain.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the said Collectors, or any of them, shall refuse or neglect to collect the said Excise respectively, or any Part thereof, and pay the same unto the Provincial Treasurer within the Time limited in this Act, every such Collector, so refusing or neglecting, shall pay all the Arrearages of such Excise which he ought to have collected; which shall be levied by a Warrant under the Hand and Seal of any two Magistrates of the City of *Philadelphia*, for the time being (whereof the Mayor or Recorder always to be one) or of any two Magistrates of the respective Counties, where the Offence is committed, directed

ted to the Sheriff of the County, who is hereby impowered and required to execute such Warrant upon the Goods and Chattels of the Collectors so offending, and in Case Goods and Chattels sufficient to make Satisfaction cannot be found, then to imprison such Offender until Payment be made; and the Collector being so distrained on, and having made full Satisfaction as aforesaid, is hereby impowered without any other Warrant, to distrain for his own Use upon all such Persons as shall refuse or neglect to pay the said Arrearages.

AND the said respective Collectors, before they enter upon the Execution of their said respective Offices, are hereby required to give Bonds with two sufficient Sureties to the said Treasurer for the time being, in manner following, that is to say, that the said *Joseph Wharton*, Collector of the Excise, &c. for the City and County of *Philadelphia*, in the Sum of *Five Hundred Pounds*; the said *William Atkinson*, Collector of the Excise, &c. for the County of *Bucks*, in the Sum of *One Hundred Pounds*; the said *Thomas Cummings*, Collector of the Excise, &c. for the County of *Chester*, in the Sum of *Two Hundred Pounds*; the said *James Mitchel*, Collector of the Excise, &c. for the County of *Lancaster*, in the Sum of *One Hundred Pounds*, for the faithful Discharge of their respective Duties, and for their respective accounting and paying all such Sums of Money as they shall from time to time receive, by Virtue of this Act.

Collectors to
give Bond,
&c.

AND the said Collectors are hereby required to give Publick Notice by printed Advertisements fixed on convenient Publick Places, certifying the Time of the Commencement of this Act, and also the Duties hereby imposed, with Notice to the Constables of their Duty, and full Directions how and when Entries are to be made in pursuance of this Act.

Collectors to
publish Ad-
vertisements.

PROVIDED ALWAYS, AND BE IT FURTHER ENACTED, That in case the said *Joseph Wharton*, *Thomas Cummings*, *William Atkinson*, and *James Mitchel*, or either of them, shall refuse to take upon him or them to be the Collector or Collectors of the said Duties, or having taken the same upon him or them shall afterwards neglect or decline the same, or misbehave him or themselves therein, or die, during the Continuance of this Act; that then and in any such Case, the Provincial Treasurer shall appoint another or others in the Place or Stead of such Person or Persons so refusing, neglecting, misbe-

Treasurer may
appoint new
Officers, in
case, &c.

having or dying, who shall have the same Power and Authority, and shall be liable to the same Restrictions and Penalties, as by this Act is given to the Collectors herein named, until others shall be appointed by the Assembly.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That no Person or Persons within this Province, shall during the Continuance of this Act, retail less than one Quart of Rum, Wine, Brandy, or other Spirits, to delivered at one time, and to one Person; unless such Person or Persons shall be regularly recommended to the Governor for the time being, and by him licenced, according to the Direction of an Act of Assembly of this Province, in that Case made and provided. And if any Person or Persons shall presume during the Continuance of this Act, to retail within this Province less than one Quart of Wine, Rum, Brandy, or other Spirits, to be delivered at one time and to one Person, without being legally recommended and licenced as aforesaid, he, she or they so offending, shall forfeit and pay the Sum of *Five Pounds* over and above the Duties for all such Liquors by them retailed as aforesaid, or be committed to the Work-house or Prison of the respective County where the Offence shall be committed, there to be kept at hard Labour, for the Space of Five Months, any thing herein contained to the contrary notwithstanding.

Penalty on re-
tailing less
than one
Quart with-
out Licence.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every such Person and Persons, who by Virtue of Licences obtained from the Governor, shall be allowed to retail Wine, Rum, Brandy, or other Spirits, in less Quantity than a Quart as aforesaid, every such Retailer or Retailers, who shall apply him, her, or themselves to the Justices of the Court of Quarter-Sessions of the Counties to which he, she or they respectively do belong, for a Recommendation to the Governor to renew their Licences, for keeping a Publick-House or Houses, and retailing as aforesaid, every such Person and Persons, shall on every such Application, and before any Recommendation obtained, produce Certificates from the Collectors of the said Counties respectively, to which he, she or they belong, of having discharged all Arrearages of Money due to the said Collectors, or any of them, for the Rates and Duties imposed; or otherwise the said Justices are hereby enjoined and required not to recommend such Person or Persons for the Purpose aforesaid; and

Condition of
Recommendation.

and every such Person or Persons are hereby declared incapable of retailing any of the Liquors aforesaid in less Quantities than one Quart as aforesaid; and in Case any Person or Persons shall notwithstanding retail in less Quantities than one Quart as aforesaid, he she, or they so offending, shall be liable to such and the same Penalties and Forfeitures as by this Act is imposed on other Persons.

AND for the better Discovery of Frauds and Abuses, BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful for any Justice of the Peace in this Province upon Application made by any one of the said Collectors, or other Person, to summon any Person or Persons to appear before such Justice, at such Time and Place as he shall appoint, to give Evidence upon Oath or Affirmation, for discovery of Frauds and Abuses committed against this Act. And if any Person or Persons summoned as aforesaid, shall neglect or refuse to appear and give Evidence as aforesaid, he, she, or they so offending, shall for every such Offence be fined by the Justice that issued out the Summons, in any Sum not exceeding *Twenty Shillings*, and be committed to Prison until paid.

Justices may
summon Evi-
dence.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the Forfeitures and Offences, made, done, and committed against this Act, or any Clause or Article therein contained, shall be heard, adjudged and determined by such Person or Persons, and in such Manner and Form as herein is directed, that is to say, All such Forfeitures and Offences made and committed within the City of *Philadelphia*, shall be heard, adjudged and determined by any two or more of the Aldermen of the said City; and all such Forfeitures and Offences made and committed within any of the Counties within this Province, shall be heard and determined by any two or more of the Justices of the respective Counties where such Forfeitures shall be made or Offence committed.

How Offences
against this
Act are to be
determined.

AND if the Party finds him or herself aggrieved by the Judgment given by the said Aldermen or Justices, he or she may appeal to the Justices of the Peace of the next Court of General Quarter-Sessions of the Peace, to be held for the respective City or County where the Judgment shall be given, which Court is hereby impowered and authorized to hear and determine the same, and whose Judgment therein shall be final.

Party aggrieved
may appeal.

PROVIDED ALWAYS, that no Alderman or Justice, who shall sit on the first Hearing of any such Cause, shall sit to hear and determine in the same Cause in case any Appeal shall happen to be made therein.

Justices are re-
quired to take
Cognizance of
Offences
against this
Act.

AND the said Aldermen and Justices of the said City and Counties of this Province, are hereby authorized and strictly enjoined and required, upon any Complaint or Information exhibited and brought of any such Forfeiture made and Offence committed contrary to this Act, to summon the Party accused, and upon his or her Appearance or Contempt, to proceed to Examination of the Matters of Fact, and upon due Proof thereof, either by Confession of the Party, or by the Oath or Affirmation of one or more credible Witnesses, to give Judgment or Sentence as before is directed, and to award and issue out Warrants under their Hands and Seals for the levying of such Forfeitures, Penalties and Fines as by this Act is imposed, for any such Offences committed, upon the Goods and Chattels of such Offender; and to cause Sale to be made of such Goods and Chattels (if they are not redeemed within five Days) rendering to the Parties the Overplus, if any be, the Charges of Distress and Sale being first deducted; and for want of sufficient Distress, to imprison the Party offending until Satisfaction be made.

And to issue
out Warrants.
&c. and cause
Sale to be
made, &c.

Officers, &c.
sued may plead
the general Is-
sue, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the said Magistrate, Officer, or any Sheriff or Constable shall be sued and prosecuted for any Thing done by them in pursuance of this Act, he or they may plead the general Issue, and give this Act and special Matter in Evidence, for his or their Justification; and in case a Verdict shall be given against the Prosecutor, or he shall become Nonsuit, or suffer a Discontinuance, the Defendant shall recover treble Costs, to be recovered as is usual in other Cases.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every the Constables, of the respective Townships or Districts, in this Province, shall and are hereby required under the Penalty of the Forfeiture of *Twenty Shillings* for every Refusal or Neglect, to return on Oath or Affirmation unto the Court of Quarter-Sessions in their respective Counties, the Names and Places of Abode of all Persons in their several Townships or Districts, retailing or vending any Liquors liable to
pay

pay the Duties imposed by this Act ; and that the Collector of such respective County may and shall have Recourse to the Returns of the Constables for the better Collecting the Duties, Fines and Forfeitures arising upon this Act.

AND WHEREAS it has been the Practice of divers Persons who were not Retailers of the said Liquors, formerly to draw off certain Quantities of Wine, Rum and other Spirits, and distribute the same amongst their Neighbours, on purpose to elude the Payment of Excise ; For Prevention whereof for the future, it is hereby enacted and declared, That the Drawing, Distributing or Sharing of any Rum, Wine, Brandy or other Spirits out of any Cask or Casks whatsoever into any Quantity or Quantities less than Seventy Gallons each, under Pretence of making it convenient for Carriage or otherwise, shall be deemed and taken to be Retailing within the meaning of this Act.

Sharing of
Rum, &c. to
be deemed Re-
tailing.

PROVIDED ALWAYS nevertheless, it shall and may be lawful to and for any Distiller, in this Province, to sell to any Retailer or Retailers any Quantity of Spirits of his own Distilling, not less than *Five Gallons* to one Person, and to be delivered at one Time, first making Entry thereof with the Collector of the County where he resides, with the Retailer's Name and Place of Abode to whom sold, and Number of Gallons, and also at the same Time taking an Oath or Affirmation that the same Spirits by him sold as aforesaid, were *bona fide* distilled in this Province, and from Materials of the Growth or Produce of the said Province, and are clear of all Mixtures of Rum, or any other Foreign Spirits whatsoever, (and the said Retailer shall account for and pay the Duty thereof to the said Collector, pursuant to the Directions of this Act) any thing herein contained to the contrary in any wise notwithstanding.

Distillers may
sell 5 Gallons
&c.

PROVIDED ALSO, That the Collectors of the Excise aforesaid, or any of them, nor their or any of their Deputies, nor any other Person or Persons to be appointed in their or any of their Places or Stead, shall during the Continuance of this Act, vend, barter, sell, exchange or trade in any of the Liquors aforesaid made exciseable by this Act, under the Penalty of *Fifty Pounds*, to be recovered by Action of Debt, Bill, Complaint or Information, by any Person who will sue for the same to Effect, one Half thereof to the Use of the Person so suing, the other Half thereof to be paid into the Provincial Treasurer aforesaid, towards

Collectors not
to deal in Li-
quors.

Penalty on Of-
ficers trading
Liquors.

the Support of the Government of this Province ; and the Person or Persons duly convicted of any such Offence or Offences against this Act, is and are hereby disabled from acting any longer in their respective Offices ; and the Treasurer aforesaid is hereby authorized and required to name another or others in Lieu or Stead of the Person or Persons so offending, who shall have the same Powers and Authorities, and be liable to the same Restrictions and Penalties as the Collectors named in this Act, until others are appointed by the General Assembly of this Province.

Treasurer to
deliver Lists of
old outstanding
Debts to the
new Officers to
be recovered,
&c.

AND WHEREAS there are sundry Sums of Money which became due by Virtue of the former Act of Excise, still outstanding, and not receiv'd by the former Collectors ; BE IT ENACTED by the Authority aforesaid ; That the Provincial Treasurer for the Time being, shall deliver unto the Officers appointed by this Act, a true List of all such outstanding Sums of Money as became due upon the former Act of Excise, together with the Names and Places of Abode of the Person or Persons from whom the same are due ; and the said Collectors are hereby authorized and empowered to demand, recover and receive the same, in the same Manner as the Excise arising upon this Act is directed to be received and recovered, and shall upon Receipt thereof pay the same to the Provincial Treasurer, for the Uses and in the Manner as the other Moneys are directed to be paid by this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That this Act shall continue in Force until the *First Day of September*, which will be in Year *One Thousand Seven Hundred Forty Three*, and from thence until the End of the next Sessions of Assembly, and no longer.

C H A P. CCCXLII.

An ACT to remove the Trustees of the General Loan-Office of Pennsylvania, and appointing others to execute the said Trust.

Preamble.

WHEREAS in the Year of our Lord 1729, Andrew Hamilton, Charles Read, Jeremiah Langborne and Richard Hayes, were, by an Act of General Assembly of the Province of Pennsylvania,

no-

nominated and appointed Trustees of the General Loan-Office of the said Province, in the Room and Place of *Samuel Carpenter, Jeremiah Langborne, William Fishbourne* and *Philip Taylor*, the former Trustees of the said General Loan-Office, with full Power and Authority to execute the said Trust, by doing and performing all Matters and Things whatsoever, enjoined or required to be done or performed in the Execution of the said Trust, as fully and amply as if the said *Andrew Hamilton, Charles Read, Jeremiah Langborne*, and *Richard Hayes* had been expressly named, authorized and appointed in the Bodies of the several Acts of Assembly by which any Bills of Credit were emitted, remitted, or otherwise to be issued, paid or exchanged. AND WHEREAS in the Year 1733, it was resolved by the then House of Representatives, that the Trustees of the General Loan-Office should be removed once in Four Years for the future, altho' they may well behave themselves during that time in the said Office :

AND WHEREAS the said *Charles Read* is since deceased, and the said *Andrew Hamilton* requesting to be discharged from his Office of Trustee of the said General Loan-Office : It is therefore thought proper, in Pursuance of the said Resolve, to remove the present Trustees, and to appoint others in their Stead to execute the said Trust. BE IT THEREFORE ENACTED by the Honourable *GEORGE THOMAS*, Esq; Lieutenant Governor with the King's Approbation, under the Honourable *JOHN PENN, THOMAS PENN*, and *RICHARD PENN*, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania*, and the Counties of *New-Castle, Kent*, and *Sussex* on *Delaware* ; by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met : That after the *Tenth Day of October*, in the Year *One Thousand Seven Hundred and Thirty-eight*, the said *Andrew Hamilton, Jeremiah Langborne, Richard Hayes*, and every of them, be and are hereby discharged from executing the Office of Trustees of the General Loan-Office of *Pennsylvania* ; and *John Kinsey, Jonathan Robeson, Joseph Kirkbride*, and *Caleb Cowpland*, are hereby nominated and appointed Trustees of the said General Loan-Office of the Province aforesaid, to succeed the said present Trustees, and on the *Tenth Day of October* aforesaid, to enter upon the Execution of their said Trust, to which they are hereby appointed, for holding and ordering of the said General Loan-Office, and for receiving and issuing all Bills of

New Trustees
appointed.

of Credit of this Province according to the Directions of any Act or Acts of Assembly of this Province, by which any Bills of Credit have been or shall be emitted and made current ; and for the doing and performing all other Matters and Things enjoyned or required, or that shall be enjoyned or required to be done by the Trustees of the said General Loan-Office, in the said Office, by any of the Acts of Assembly now made, or that shall be made, during the continuance of the said Acts, or until they shall be legally removed from the said Trust, as fully and amply to all Intents and Purposes, as the present or former Trustees of the General Loan-Office of the Province of *Pennsylvania*, now can, or might, or could have done, by virtue of any of the Acts of Assembly, by which the said Trustees therein named were appointed, and as fully as if the said *John Kinsey*, *Jonathan Robeson*, *Joseph Kirkbride*, and *Caleb Cowpland* had been nominated and appointed Trustees in the Bodys of the said Acts of Assembly ; each of the said Trustees, before they enter upon the Execution of their Trust, first giving Bond to the Provincial Treasurer for the time being, in the Sum of *Three Thousand Pounds*, according to the Directions of the said Acts of Assembly, with a further Condition to deliver up to their Successors in the said Trust, the Mortgage-Deeds, and all other Things belonging to the said General Loan-Office, when they shall happen to be removed from their Trust, and taking the Oath or Affirmation therein enjoined to be taken by the Trustees, for the due Performanc of their Trust.

Vacancy how
to be supplied.

A N D if any of the Trustees shall happen to die, or be removed for Mifeazance, or for not acting, some other fit Person or Persons shall be appointed in the Place or Places of such Trustee or Trustees, in the Manner directed by the *Thirty Thousand Pound Act*, made in the Year *One Thousand Seven Hundred and Twenty-nine*.

A N D the said *John Kinsey*, *Jonathan Robeson*, *Joseph Kirkbride* and *Caleb Cowpland*, are hereby further authorized and required, from and immediately after the said *Tenth Day of October*, to demand, take and receive of the said *Andrew Hamilton*, *Jeremiah Langborne* and *Richard Hayes*, their Heirs, Executors and Administrators, and of every of them, and of every other Person concerned, all the Mortgage-Deeds, Bonds and Warrants of Attorney, together with the Books of Records and Enrollments of the same, and all Deeds, Writings and Evidences relating to or concerning the

the Right or Title of any Lands, Tenements or Hereditaments, or other Things taken or received by the late Trustees into the said General Loan-Office, for Security of Payment of any Sum of Money, and all the Bills of Credit remaining in their or any of their Hands, belonging to the said Loan-Office.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the aforesaid Mortgages, and Enrollments of the same, or other Deeds, Evidences and Writings relating to or concerning any Mortgage or other Security, for Payment of any Money or Bills of Credit into the General Loan-Office of the Province of *Pennsylvania*, and all Plate, with the said Bills of Credit now remaining in their or any of their Hands; whether the same be to be re-emitted, sunk and destroyed, or exchanged for torn Bills, or directed by any Act or Acts of General Assembly to be paid to any Persons for any particular Uses, together with a Schedule or Inventory of the same, shall immediately from and after the said *Tenth Day of October*, be delivered with all convenient Speed to the Trustees in this Act named, who are hereby impowered to account with the said late Trustees, and to receive the Mortgage-Deeds, Plate, and other Things so delivered, of the said *Andrew Hamilton*, *Jeremiah Langborne* and *Richard Hayes*, late Trustees, or any other Person whomsoever, having the same in their Hands or Possession, and to lay the several Accounts before the General Assembly of this Province, when thereunto required. And that the Receipt of the said Trustees, by this Act appointed, or any three of them, shall be a sufficient Discharge to the said *Andrew Hamilton*, *Jeremiah Langborne* and *Richard Hayes*, their Heirs, Executors and Administrators, for such Bills of Credit, Plate, Mortgage-Deeds and Enrollments of the same, or other Writings so delivered.

PROVIDED ALWAYS, that it shall and may be lawful for the late Trustees, or any of them, at any seasonable Time or Times, to have recourse to, and Inspection of all the Mortgage Deeds or Inrollments of the same, with their Indorsements, in order to enable them to account with the Assembly of this Province, or their Committees, or any other Persons to be appointed by the Assembly for that Purpose, if any such Account be required.

Late Trustees
may have re-
course to the
Mortgage-
Deeds, &c.

Trustees may
chuse a Clerk.

And shall keep
Books of Ac-
count, &c.

Trustees Sa-
lary.

AND that the said Trustees are hereby impowered to chuse and employ a fit and able Person to be Clerk, for whom they shall be answerable, to serve them in the said Office, during their Pleasure, under the like Qualification enjoyned to be taken by the Clerk in the said Acts, before he enter upon his Office; who shall deliver to the Committee of Assembly, when thereunto required, upon Oath or Affirmation, a true List of all Mortgage Deeds, taken according to the Directions of the aforesaid Acts of Assembly. And the Trustees shall themselves keep fair and exact Books of Account, Tablewise, of all the Emissions of Bills of Credit, by them let out upon Loan, or otherwise issued out of the said Office, and of the Receipts of the Principal Sums, Quotas and Interests arising thereupon, of all the Monies to them paid in, upon all or any of the said several Acts of Assembly. To which Books of Account the Committee of Assembly hereafter to be appointed to audit the said Trustees Accounts, shall have free Access at all seasonable Times; and shall further have delivered to them for the Use of the Assembly, a fair Duplicate of the said Tables by the aforesaid Trustees, with a List of the Receipts of all such Monies paid in, with the Days of Payment; and likewise have Access to the Mortgage-Deeds and Enrollments of the same, with the Bonds given by the Mortgagers, to the End they may be satisfied, that there is due Credit given to the Province for the Monies or Bills of Credit paid in, and that the same have been again let out, without Delay, to such Persons as have had Occasion to borrow; and that the said Committee may from Time to Time be acquainted with the State of the whole Transactions and Affairs belonging to the said Loan-Office. AND such of the said Trustees as shall undertake and execute the said Trust, shall each of them receive the same like Salaries as are allowed and appointed by the aforesaid several Acts of Assembly to be paid to the former Trustees.

C H A P. CCCXLII.

A Supplement to the Act, Entituled, *An Act for imposing a Duty on Persons convicted of heinous Crimes, to prevent poor and impotent Persons being imported into this Province.*

W H E R E A S by an Act of the General Assembly of this Province, past in the Third Year of the Reign of our Sovereign Lord *GEORGE the Second*, Entituled, *An Act for imposing a Duty on Persons convicted of heinous Crimes, and to prevent poor and impotent Persons being imported into this Province*; *Charles Read*, late of *Philadelphia*, Merchant, was appointed Collector of the Duties by the said Act imposed, who is since deceased. **A N D F O R A S M U C H** as the Circumstances of the Province require the said Act should be put in Execution, and no Provision being therein made for appointing another Officer instead of the said *Charles Read*: **T H E R E F O R E**, for remedying that Defect, **B E I T E N A C T E D** by the Honourable *GEORGE THOMAS*, Esq; Lieutenant Governor, with the King's Approbation, under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania*; by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same; That *Thomas Glentworth* of *Philadelphia*, be, and he is hereby nominated and declared to be, Collector of the Duties imposed by the before-mentioned Act; and for the doing and performing all other Matters and Things appertaining to the said Office by Virtue of the said Act, as fully, amply and largely to all Intents and Purposes, as the said *Charles Read* in his Life-time was impowered to do, or could or might have done; and as fully as if the said *Thomas Glentworth* had been expressly named and appointed Collector of the Duties aforesaid in the Body of the said Act; he the said *Thomas Glentworth*, before the entering upon the Execution of his Office, first taking an Oath or Affirmation before one of the Justices of the Peace of the County aforesaid, (which the said Justice on Application to him made, by the said *Thomas Glentworth*, is hereby authorized and enjoined to administer) for the faithful and impartial Discharge of the Trust by Virtue of this Act committed to him, according to the best of his Skill and Knowledge.

A N D

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the aforesaid *Thomas Glentworth* shall by any Accident be rendred incapable, or neglect to execute the said Office, or shall misbehave himself therein, or shall happen to dye, that then and so often it shall and may be lawful to and for the Mayor, Recorder and Aldermen of the City of *Philadelphia*, or the Majority of them, to supply his or their Place by some other fit and capable Person, who shall thereupon be the Officer for putting the Act aforesaid in Execution, until the Assembly shall appoint another.

PROVIDED ALWAYS, That before the said Officers, or either of them, shall do any Thing in Execution of their said Office, they shall each of them respectively take an Oath or Affirmation in Manner aforesaid, faithfully and impartially to perform the Duty and Trust committed to them, to the best of their Skill and Capacity, according to the Direction of the Act aforesaid.

A N N O R E G N I
G E O R G I I II.
R E G I S
D U O D E C I M O.

At a GENERAL ASSEMBLY of the Province of *Pennsylvania*, begun and holden at *Philadelphia*, the Fourteenth Day of *October*, Anno Domini One Thousand Seven Hundred and Thirty-eight, in the Twelfth Year of the Reign of our Sovereign Lord *GEORGE II.* by the Grace of *G O D*, of *Great-Britain, France and Ireland*, *K I N G*, Defender of the Faith, &c. And from thence continued by Adjournments to the First Day of *May*, 1739.

C H A P. CCCXLIII.

*An ACT for Reprinting, Exchanging and Re-
emitting all the Bills of Credit of this Pro-
vince, and for striking the farther Sum of
11,110*l.* 5*s.* to be emitted upon Loan.*

WHEREAS, thro' the Scarcity of Silver and Preamble.
Gold in this Province, occasioned by remitting
the same to *Great-Britain*, to pay for the Pro-
duct and Manufactures of that Kingdom imported hither
for the Use of the Inhabitants, fundry Sums of Money in
Bills of Credit were formerly emitted, which, by Expe-
rience, have been found to be very useful for carrying on
the Trade and Commerce of this Province. **AND**
WHEREAS in Pursuance of the Direction of former
Acts of Assembly, by which the said Bills of Credit were
emitted, a great Part of the same have been sunk and de-
stroyed, so that there is not current in the Province at this
Time, more than the Value of 68,889*l.* 15*s.* in the said
Bills of Credit, which, since the great Increase of the Inha-
bitants as well as the Trade of the Province, is found to
fall short of a proper Medium for negotiating our Com-
merce and supporting the Government. **AND WHERE-**
AS it appears, that great Quantities of counterfeit Bills in
the Likeness and Imitation of genuine Bills of Credit of
this Province, have been imported among us; which has
rendred it necessary to call in all our Bills of Credit, and to
emit others of the same Value, but of a different Impression
from the former.

TO THE END THEREFORE, That
the Wants of those concerned in Trade may be supplied,
and the Government supported, and to prevent the Peo-
ples being imposed upon by the said Counterfeit Bills,
made in Imitation of the present Bills of Credit of this Pro-
vince; **BE IT ENACTED** by the Honourable
GEORGE THOMAS, Esq; with the King's Royal
Approbation, Lieutenant Governor of the Province of
Pennsylvania, and of the Counties of *New-Castle*, *Kent*, and
Sussex on *Delaware*; under the Honourable *John Penn*, *Tho-*
mas Penn, and *Richard Penn*, Esqrs; true and absolute Pro-
prietors of the said Province and Counties, by and with the
Advice and Consent of the Freemen of the said Province

80,000*l.* in
Bills to be
printed.

in General Assembly met, and by the Authority of the same ; That indented Bills of Credit of the Value of *Eighty Thousand Pounds* of lawful Money of *America* (according to an Act of Parliament, made in the Sixth Year of the late *Queen Anne*, for *ascertaining the Rates of foreign Coins in the Plantations in America*) shall before the Tenth Day of *August*, next after the Passing of this Act, be prepared and printed on good strong Paper, under the Care and Direction of *John Kinsey, Jonathan Robeson, Joseph Kirkbride, Caleb Cowpland* and *John Wright*, the Trustees of the General Loan-Office of the Province of *Pennsylvania*, and at the Charge of the Publick to be defrayed out of the Interest Money arising or to arise upon the Loan of any Bills of Credit formerly emitted, or to be emitted, by any Trustees of the said General Loan-Office ; which Bills shall be made and prepared in Manner and Form following, and no other, *viz.*

Form of the
Bills.



THIS Indented Bill shall pass current for within the Province of Pennsylvania, according to an Act of Assembly of the said Province, made in the Twelfth Year of the Reign of King GEORGE the Second. Dated the Tenth Day of August, One Thousand Seven Hundred and Thirty Nine.

AND the same Bills shall have such like Escutcheon as in the Margent hereof, with such other Devices on the said Bills as the said Trustees shall think fit, as well to prevent Counterfeits as to distinguish their several Denominations ; each of which Bills shall be of the several and respective Denominations following, and no other, *viz.*

Number of
Bills of each
Sort.

TEN Thousand of the same Bills, the Sum of *One Shilling* in each of them.

TEN Thousand of the same Bills, the Sum of *One Shilling and Sixpence* in each of them.

TEN Thousand of the same Bills, the Sum of *Two Shillings* in each of them.

TEN Thousand of the same Bills, the Sum of *Two Shillings and Sixpence* in each of them.

THIR-

THIRTY Thousand of the same Bills, the Sum of *Five Shillings* in each of them.

FORTY Thousand of the same Bills, the Sum of *Ten Shillings* in each of them.

TWENTY Thousand of the same Bills, the Sum of *Fifteen Shillings* in each of them ; and

THIRTY-FOUR Thousand of the same Bills, the Sum of *Twenty Shillings* in each of them.

AND the said Trustees shall use the best of their Care, Attention and Diligence, during the Printing of the said Bills, that the Number and Amount thereof, according to their respective Denominations aforesaid, be not exceeded, nor any clandestine or fraudulent Practice used by the Printer his Servants or Persons concerned therein.

AND for the perfecting the said Bills, to make them Current within this Province, according to the true Intent and Meaning of this Act ; **BE IT FURTHER ENACTED** by the Authority aforesaid, That all and every of the said Bills shall be signed by the Persons following, or by Three of them at least, that is to say, *Thomas Leech* and *William Montington* of *Philadelphia* County, *Abraham Chapman* of *Bucks* County, *Joseph Harvey* of *Chester* County, and *Samuel Smith* of *Lancaster* County, who are hereby nominated and appointed to be the Signers of the said Bills ; and shall before they presume to receive or sign any of the said Bills of Credit, take an Oath or Affirmation to the following Effect, to wit,

Signers
Names.

THAT they shall well and truly sign and number all the Bills of Credit that shall come to their Hands for that Purpose, by the Direction of this Act, and the same so signed and numbered will deliver or cause to be delivered unto the Trustees of the General Loan-Office of the Province of Pennsylvania, pursuant to the Direction of this Act.

Signers Quali-
fication.

AND for avoiding the Danger of Embezzlement or Misapplication of any of the said Bills of Credit ; **IT IS HEREBY FURTHER ORDAINED AND PROVIDED**, That the said Trustees, after the said Bills are printed, shall deliver them

to

Not more than
1000l. to be
delivered for
signing at one
time.

to the said Signers, to be signed and numbered by Parcels, for which the said Signers or some of them shall give their Receipt, *that is to say*, *One Thousand Pounds* value in the said Bills at one Time, and so from time to time, till all the said Bills of Credit shall be signed and numbered, yet so as that the said Trustees shall not deliver any other of the said Bills to the Signers aforesaid, whilst the Sum in their Custody unexchanged exceeds *One Thousand Pounds*; of all which Bills of Credit so delivered to be signed by the Trustees, true Accounts shall be kept by the Signers. who upon their Re-delivery of each or any Parcel of the said Bills of Credit by them signed and numbred to the Trustees of the General Loan-Office, shall take the Receipt of the said Trustees to charge them before any Committee of Assembly to be appointed for that Purpose.

Signers Re-
ward.

AND the said Signers shall have *Fifteen Shillings* a-piece for every Thousand of the aforesaid Bills by them signed and numbered, within Ten Days after the Re-delivery thereof to the said Trustees, to be by them paid out of the Interest-Money in the said Trustees Hands.

Signer dying,
&c. the As-
sembly to ap-
another.

AND if any of the Persons before nominated to be Signers, shall happen to die or be rendred incapable of doing his or their Duty by this Act required, the Assembly for the time being shall appoint some other Person or Persons in his or their Stead from time to time, until all the Bills hereby directed to be made, be wholly signed and numbred as aforesaid.

Trustees to
give Attend-
ance for ex-
changing the
old Bills.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees, after the Receipt of any Parcel of the said new Bills, signed and numbred as aforesaid, or some fit Person for whom they shall be accountable, shall give due Attendance at their Office, on every Fourth Day of the Week, and shall deliver out the same unto such Persons as shall demand them in Exchange for Bills of the same Value made and emitted by the Direction of any former Act of Assembly of this Province; which said old Bills shall be kept by the said Trustees for their Vouchers, to discharge them of so much of the aforesaid £80000 Value in new Bills as they shall have given in Exchange as aforesaid, before any Committee of Assembly to be appointed for that Purpose, who having duly examined such old Bills so received in Exchange, shall cause the same to be burnt and destroyed in their Presence;

Prefence; and the said Trustees shall have for their Trouble and Care, in exchanging every 10,000 *l.* Value of the said old Bills, the Sum of 27 *l.* 10 *s.* to be defrayed out of the Interest Money aforesaid.

Trustees Re-ward for ex-changing.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all the aforesaid Bills of Credit made and emitted by any former Act of Assembly of this Province, shall, from and after the *Tenth Day of August, One Thousand Seven Hundred and Forty*, cease to be current Bills of this Province, and from thenceforth become null and void, and of no Effect, any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.

Limitation of the Currency of the old Bills.

AND the said new Bills hereby directed to be made and signed as aforesaid, to be emitted in Exchange or Loans, as this Act directs, shall from and after the *Tenth Day of August, One Thousand Seven Hundred and Thirty-Nine*, be the current Bills of this Province, for the Payment and Discharge of all Manner of Debts, Rents, Sum and Sums of Money whatsoever, due, payable or accruing upon or by Reason of any Mortgage, Bill, Specialty, Bond, Note, Book-Account, Promise, or any other Contract or Cause whatsoever, as if the same were tendred or paid in the Coins mentioned in such Bond, or other Writing, Book-Account, Promise, Assumption, or in any other Contract whatsoever, and at the Rates ascertained in the said Act of Parliament, and shall be so received in all Payments by all Persons whatsoever.

New Bills when to become current.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees shall be in and have Capacity and Power to take, hold and enjoy to them and their Successors in the said Trust, all such Lands, Tenements, Rents and Hereditaments, and all such Plate as shall be granted them in Mortgage, or which hath at any Time heretofore been granted to any Trustee or Trustees of the General Loan-Office of *Pennsylvania*, for securing the Re-payment of the Money or Bills, formerly lent, or hereby directed to be lent; and also to sell, grant, alien, and dispose of the same Lands, Tenements, Rents, Hereditaments and Plate in Default of Payment, and also to do, execute, perform and suffer all other Things whatsoever, as fully to all Intents and Purposes as any Trustees of the General Loan-Office aforesaid, by any former Act of Assembly of this Province may or might have done, executed,

Power of the Trustees, &c.

Any Trustee dying, the Assembly to appoint a new one.

performed and suffered: And upon the Death or Removal of any of the present Trustees, or of any other that shall be nominated and appointed hereafter, it shall and may be lawful to and for the General Assembly of this Province for the Time being, to appoint some other fit Person or Persons in his or their Place and Stead, who shall have the same Power and Authority as if they had been nominated and appointed by Virtue of this Act.

Trustees to continue in that Office but 4 Years, &c.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That none of the Persons herein before nominated or hereafter to be appointed Trustees of the General Loan-Office aforesaid, shall longer continue in the Exercise of the said Office than the Space of *Four* Years from the Time of such their nomination as aforesaid, and from thence to the End of the then next Session of Assembly.

But not to be discharged till they have accounted, &c.

PROVIDED ALSO, That none of the Trustees so as aforesaid nominated or to be nominated and appointed according to the Direction of this Act, or any of them, or any of their Heirs, Executors or Administrators, or Securities hereby directed to be given, be acquitted or discharged, for any Thing done or suffered in or about the Trust hereby committed to them, until they have accounted for and paid and delivered up to the succeeding Trustees all Bills, Moneys, Securities and Writings belonging to the Loan-Office, and so from time to time during the Continuance of this Act, any thing herein contained to the contrary notwithstanding: But before any of the present Trustees, or such as shall hereafter be appointed Trustees, shall enter upon the Execution of their Trust, or any Part thereof, they shall each of them enter into Bond to the Treasurer of this Province, in the Sum of *Three Thousand Pounds*, conditioned for the Execution of the Trust and Performance of all Things required of them by this Act, and shall take an Oath or Affirmation, before some Justice of the Peace, in the Words following, viz.

Trustees to give Bond to the Treasurer.

Trustees Qualification.

*I A. B. will according to the best of my Skill and Knowledge, faithfully, impartially and truly demean myself, in the Discharge of the Trust required of me by an Act of Assembly of this Province, entituled, An Act for Reprinting, Exchanging and Re-emitting all the Bills of Credit of this Province, and for striking the further Sum of 11,110*l.* 5*s.* to be emitted upon Loan, so as none may be prejudiced by my Consent, Privity or Procurement.*

AND

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees shall lend out the Value of 11,110*l.* 5*s.* in the Bills hereby directed to be made, for and during the Space, and unto the full End and Term of *Sixteen Years*, from the 15th Day of *October*, in the Year of our Lord *One Thousand Seven Hundred and Thirty-nine*: All which Loans made by Virtue of this Act, shall be made in Sums not exceeding *One Hundred Pounds*, nor less than *Twelve Pounds*, to any one Person, upon Mortgages of Messuages, Lands, Tenements, Rents and Hereditaments in this Province, whereof the Borrowers stand seized in Fee-simple in their own Right, free from Incumbrances, the Proprietary Quit-Rents, and other Rents charged on the same, and discovered to the said Trustees, only excepted; of which Titles and Clearness, the Trustees are to inform themselves the best they can, by any of the Ways and Means heretofore granted and allowed to the former Trustees of the said General Loan-Office, or to any of them, and shall inform themselves, as well of the clear value of the Titles of all Lands, Houses and Ground-Rents offered in Security, so as to be satisfied that the Lands and Ground-Rents are held in Fee-simple, and are at least of double the Value of the Sums requested to be lent; and that as to the Houses erected upon Ground subject to the Payment of Ground-Rent, offered in Mortgage, Care shall be taken by the said Trustees, that there be no Rent or Quit-rent in Arrear at the Time of receiving the same in Mortgage, and that the Ground shall be near equal in Value, above the Ground-Rent, to the Sum lent, yet so that the House and Ground be of double Value, for the better Security of the Mortgage-Money. And thereupon the said Trustees, in pursuance of the Trust hereby committed to them, shall in the Name and Stile of the Trustees of the General Loan-Office of the Province of *Pennsylvania*, and not otherwise, take and receive Deeds of Mortgage in Fee-simple of such Messuages, Lands, Tenements, Rents and Hereditaments, with the Appurtenances, to secure the Re-payment of the Sums they lend, to be made yearly on the 15th Day of *October*, by equal Payments, with the whole Interest accrued, at the Rate of *Five per Cent. per Annum*.

11,110*l.* 5*s.*
to be let out
for 16 Years,
upon Mortga-
ges of Messua-
ges, &c.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That the better to enable any of the Mortgagors, by any former Act of Assembly, to discharge their Mortgages, it shall and may be lawful to and for the said Trustees, and they are here-

Former Mort-
gagors may re-
new their
Mortgages,
&c.

hereby required, to permit those Mortgagors, or their Heirs, or such other Person or Persons to whom they have made over their Right of Redemption and Estate in their mortgaged Messuages, Lands and Rents, to renew their Mortgages respectively, if they the said Trustees shall judge them a sufficient Security for the Sums thereon due and in Arrear, altho' the same exceed the Sum aforesaid limited to one Person, to be repaid according to the Proportions and within the Times by this present Act limited and appointed,

PROVIDED ALSO, That if any Mortgager of any Messuages, Lands or Rents by this Act directed, his Heirs, Executors or Assigns, shall be minded to pay off and discharge his Mortgage and Security at any other Time than according to the Time specified in his Mortgage-Deed, it shall be lawful for him or them so to do before Sale of the mortgaged Premises, by paying down the whole principal Sum due and in arrear, together with the Interest and Charges then accrued.

Principal Sums
Et c. not to be
 sunk, other-
 wise than by
 this Act direc-

AND BE IT FURTHER ENACTED

by the Authority aforesaid, That the principal Sums and all and singular the Parts, Parcels and Quotas thereof, or any them, payable to the Trustees of the said General Loan-Office, by the Provincial Treasurer, or any of the County Treasurers, or by the Mayor or Treasurer of the City of *Philadelphia*, or by any Mortgagor or Person whatsoever; as also the Quotas of the Sum appropriated for Building the State-House, shall not be sunk or destroyed, otherwise, or at any other Time than by this present Act is directed, limited and appointed, any Law, Custom or Usage to the contrary notwithstanding: But the same principal Sums, and all other yearly Payments of principal Sums herein-before directed to be emitted on Loans as this Act directs, now in the Hands of the said Trustees, or hereafter to be recovered or received by them, before the *Fifteenth Day of October, Anno Domini One Thousand Seven Hundred and Forty-Nine*, shall be from Time to Time re-emitted on Securities as herein before directed, for the Residue of the aforesaid Term of *Sixteen Years*. And also, so often as any Mortgage-Monies, directed to be re-emitted as aforesaid, shall be recovered or received before the aforesaid *Fifteenth Day of October, One Thousand Seven Hundred and Forty-Nine*, the principal Monies thence arising, shall in like manner, from time to time, be re-emitted again on Securities as aforesaid. And the said Trustees or some three of them, shall weekly attend

But shall be
 re-emitted,
Et c.

attend at their Office on the *Third* and *Fourth* Days in every Week (commonly called *Tuesdays* and *Wednesdays*) until the aforefaid Sum of *Eleven Thousand One Hundred and Ten Pounds, Five Shillings*, shall be wholly emitted, as this Act directs: And afterwards, on the *Third* Day of the *Second* Week in the Months commonly called *April, June, August, October, December* and *February*, in every Year of the Continuance of this Act, and at such other Times as their Duty and Trust shall require; which Deeds of Mortgage shall be fairly entered in Books of large Paper, to be provided by the said Trustees, an attested Copy of which Deeds, so entered and certified by the said Trustees or any Three of them for the Time being, shall be and is hereby declared to be good Evidence, to prove the Mortgage thereby mentioned to be made; and on every of the aforefaid Deeds of Mortgage shall be indorsed or added an Oath or Affirmation, to be taken by the Mortgagor or Mortgagors, before some or one of the said Trustees, who are hereby impowered and required to administer the same, *That he, she or they is or are seized of the Hereditaments and Premises thereby granted, in his, her or their own Right, and to his, her or their own Use, and that free from all Incumbrances to the Knowledge of such Mortgagor (the yearly Quit-Rents thence issuing, payable to the Chief Lord or Lords of the Fee thereof, and such other Rents, if any, as are therein particularly mentioned and discovered to the Trustees, only excepted)*; and the aforefaid Deeds being so executed and acknowledged, shall transfer the Possession and vest the Inheritance of and in such Mortgaged Premises, to and in the said Trustees and their Successors, as fully and effectually as Deeds of Feoffment, with Livery and Seizin, or Deeds inrolled in any of the King's Courts of *Westminster* may or can do.

Oath or Affirmation to be taken by the Mortgagors.

IN all which Deeds, the Words, Grant, Bargain and Sell, shall be, and be adjudged in all Places and Courts whatsoever within this Province, to have the Force and Effect of a Covenant, that the Mortgagor notwithstanding any Act done by him, was at the Time of the Execution of such Deed, seized of the Hereditaments and Premises thereby granted, of an indefeasible Estate of Inheritance, free from Incumbrances, the Rents so as aforefaid to be discovered to the said Trustees only excepted.

AND BE IT FURTHER ENACTED by the Authority aforefaid, That together with every of the aforefaid Mortgage-Deeds, the respective Mortgagor

Mortgagors to execute a Bond and Warrant of Attorney, &c.

shall execute a Bond of double the Mortgage-Money, conditioned for the Payment of the Money borrowed with the Interest, according to the Proviso or Condition contained in each such Mortgage-Deed, and also a Warrant of Attorney, empowering such Person or Persons as the Trustees shall appoint, to confess or suffer Judgment, which the said Trustees are hereby required to cause their Attorney to enter in any of the Courts of Common-Pleas of this Province, against such Mortgagor as shall make Default in Payment of the Mortgage-Moneys, or any Part thereof, on the said Bonds or Mortgages, for Non-Performance of the Conditions thereof, or in such Actions of Debt as the said Trustees are required to bring for the Value of the said Bills of Credit received by the Mortgagors, whose Titles shall happen to prove defective, together with the Interest and Costs of Suit; in every which Warrant of Attorney shall be inserted a Release of Errors by the Mortgagor.

PROVIDED ALWAYS, NEVERTHELESS, That until some Default be made in Payment of some Part of the Mortgage-Moneys by the Mortgagors respectively; it shall and may be lawful to and for them and their Heirs, to hold and enjoy the mortgaged Premises, any Thing in this Act, or in their Mortgage-Deeds, to the contrary notwithstanding; but if Default shall be made or suffered in Payment of any Part of the Mortgage-Monies aforesaid, whether of the Principal or Interest, which the Mortgagors, their Heirs, Executors, Administrators or Assigns should or ought to pay, according to the Days of Payment, aforesaid, and as in their respective Deeds of Mortgage shall be specified, it shall and may be lawful to and for the said Trustees for the Time being, after two Months next after Default made as aforesaid, to enter upon the Messuages, Lands, Rents and Hereditaments, respectively in the Deeds of Mortgage specified, and the same thereupon to sell and convey to the best Purchaser, and out of the Monies arising by such Sale, to detain and keep the Sums thereon due unto them, with all Costs and Charges relating thereunto, returning the Overplus if any, to the Owners of such Lands and Hereditaments, who shall thereupon stand foreclosed of and from all Right of Redemption of the same.

Two Months
after Default
in Payment
Trustees may
sell the mort-
gaged Premises.

PROVIDED ALWAYS, AND IT IS HEREBY FURTHER ENACTED, That it shall and may be lawful to and for the said Trustees or any three of them, at any Time or Times before the aforesaid

faid *Fifteenth Day of October, One Thousand Seven Hundred and Forty-Nine*, to lend out in fuch Manner as to them fhall feem beft, any Sums in the Bills aforefaid, not exceeding *One Hundred Pounds* nor lefs than *Twelve Pounds* to one Perfon, on Securities of good Plate at the Value of *Six Shillings per Ounce*, to be repaid to the faid Trustees within *Twelve Months*, with the Interelt thereof at the Rate aforefaid : And in Cafe of the Non-Payment to fell and difpofe of fuch Plate for the moft it will yield, returning the Overplus, if any be, to the Owner, after Payment of the Sum lent, with the Interelt aforefaid, and all Charges thereupon accrued.

Good Plate may be taken in Security by the Trustees.

PROVIDED ALWAYS, That where any Part of the Mortgage-Monies hath been paid, the Trustees fhall indorfe upon the Writ of Execution the real Sum of Principal and Interelt due to the faid Loan-Office, and the Sheriff fhall thereupon proceed as in other Cafes of Sale of Lands, to fell fo much of the mortgaged Premiffes, as near as he can judge, as will be fufficient to pay the whole Debt and Cofts ; and if any Overplus remain in the Sheriff's Hands after the Payment of the whole Monies due to the faid Loan-Office, with the Cofts and Charges accrued thereupon, the faid Sheriff fhall render the fame to the Debtor or Defendant, his or their Executors or Adminiftrators, and put the faid Purchafer into peaceable and quiet Poffeffion of the Mefluages, Lands and Tenements fo fold as aforefaid, who fhall hold and enjoy the fame to his Heirs and Affigns, as fully and amply as he or they for whole Debt the fame fhall be fold, might, could, or ought to have done at any Time before the taking thereof in Execution, freed and difcharged from all Claim of Dower by any Perfon claiming under the Defendant for whole Debt the fame was fold.

AND BE IT FURTHER ENACTED by the Authority aforefaid, That the faid Trustees fhall indorfe upon each Mortgage-Deed their Receipts of all the yearly Quotas to be paid by the refpective Mortgagors, which they fhall alfo note on the Counterparts to them produced, when required ; for which Receipts they fhall be paid by the Mortgagors *Six Pence* each and no more ; and upon the laft Payment thereof, the faid Trustees fhall enter in the Margent of the Inrollment of the Mortgage-Deed the Time of the Discharge thereof, for which they fhall receive of the Mortgager *Six Pence* and no more.

Trustees to indorfe their Receipts on the Mortgage Deeds, &c.

AND

And shall keep
fair Accounts,
&c.

Trustees Sa-
lary.

AND the said Trustees shall keep distinct, fair and true Accounts of all the Sums they receive, by Virtue of this and the before recited Acts, respectively, and of what they lend, pay or emit, by Virtue hereof or by Orders of the Assembly, whether in Part of Principal or Interest Monies, and shall have and receive for their Trouble and Service the Sum of *One Hundred and Ten Pounds* a piece *per annum*, during the Continuance of their Re-emitting on Mortgage, as this Act directs, which will be until the *Fifteenth Day of October, Anno Domini One Thousand Seven Hundred and Forty-Nine*; and afterwards the Sum of *Eighty Pounds* a piece *per annum*, during the future Continuance of this Act, which Payments shall be made in Bills of Credit of this Province unto each of them, his Executors or Administrators.

Trustees to ac-
count once a
Year with
Committee of
Assembly, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Trustees shall once in every Year, or oftener, exhibit their Accounts aforesaid unto the Committees of Assembly of this Province appointed for that Purpose, with whom they shall from time to time settle and adjust: And all the Interest Money by them from time to time received being accounted for, and the Salaries and Charges allowed for, by this Act, being deducted, the Residue thereof shall be disposed of as the Assembly of this Province shall direct and appoint; and as for and concerning all yearly Quotas and Payments in the Bills aforesaid, (Part of the Principal Sums to be emitted or re-emitted upon Loans as this Act directs) which by Virtue hereof or of any Mortgage or Security heretofore taken or to be taken as aforesaid, shall be recovered or received, and remaining in the Loan-Office, on or after the *Fifteenth Day of October*, in the Year of our Lord, *One Thousand Seven Hundred and Forty-Nine*, the Trustees of the Loan-Office aforesaid shall from time to time as they come to their Hands, exhibit the same Bills to the aforesaid Committees, who having duly examined and compared them, shall cause the same to be burnt and destroyed in their Presence.

Bills to be
burnt, &c.

Trustees to
keep the Mort-
gagors up to
their annual
Payments.

AND the better to prevent Inconveniencies arising from indulging the Mortgagors to be behind in their Payments hereby directed to be made: BE IT FURTHER ENACTED by the Authority aforesaid, That the Trustees for the Time being shall, and they are hereby required, to keep the Mortgagors, in pursuance of this Act, up to their annual Payments, as by the same Act

is directed and appointed : And the Committees of Assembly to be annually appointed to audit the said Trustees Accounts are hereby directed not to allow of any Quotas in arrear and unpaid which have been due *Twelve Months* at the Time of the Settlement, excepting only such Sums for which the Trustees have commenced Suit, or otherwise have proceeded according to the Direction of this Act, for the Recovery of the Money due.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, That the said Trustees shall, for the better regulating of their said Office, chuse and employ a fit and able Person for their Clerk during their Pleasure, for whom they shall be answerable, who shall prepare the Deeds of Mortgage, with the Mortgagors Affidavits, Bonds, Warrants of Attorney, and Releases of Errors, and shall have and receive the following Fees, and no more, *viz.* for every Mortgage-Deed, recording the same, the Counterpart or Copy thereof, the Mortgagor's Oath or Affirmation indorsed on the Mortgage-Deed, and the Bond, Warrant of Attorney, and Release of Errors, the Sum of *Twenty Shillings* and no more, to be paid, by the said Trustees, out of the Interest Money aforesaid : And the said Clerk shall keep true Accounts of the Names of all Persons applying to borrow on Securities, as this Act directs, and shall record their Deeds of Mortgage in the same Order of Time as they were executed. And shall once a Year make out a List of the Names of all Mortgagors, by this Act directed, with the Sums they borrow, and Date of their Mortgage-Deeds ; and the same List shall deliver to the Committees of Assembly to be appointed Auditors of the said Trustees Accounts : But before any Person, so chosen to be Clerk, shall enter upon the Execution of his Office, he shall take an Oath or Affirmation before some Justice of the Peace, *That he will truly and faithfully perform the Office and Duty that is directed and required of him by this Act, wherein he will make no undue Preference, unnecessary Delays or fraudulent Practice.*

Trustees to chuse a Clerk.

His Fees and Duty.

Clerk's Qualification.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall presume to counterfeit any of the said Bills of Credit, made current by this Act, or any Law of this Province, by printing or procuring the same to be printed, in the Likeness of the said genuine Bills of Credit ; and also, if any Person or Persons shall forge the Name or Names of the Signers of the true Bills of Credit, to such Counterfeit Bills,

Penalty on Counterfeiters, &c.

whether the counterfeiting of the said Bills or Names be done within this Province or elsewhere, or shall utter such Bills, knowing them to be so counterfeited as aforesaid, and being thereof legally convicted, by Confession, standing mute, or by the Verdict of *Twelve Men*, in any Court of Record within this Province, he, she or they shall suffer Death without Benefit of the Clergy : And the Discoverer or Informer shall have, as an Incouragement for his Discovery, the Sum of *Fifty Pounds*, of the Goods and Chattels, Lands and Tenements of the Person convicted, and if no such Goods and Chattels can be found, then the Trustees of the General Loan-Office shall pay to such Informer or Discoverer, his Executors, Administrators or Assigns, the Sum of *Ten Pounds*. And if any Person or Persons, shall counterfeit any of the said Bills of Credit of this Province, by altering the Denomination of the said Bills, with Design to increase the Value of such Bills, or shall utter such Bills, knowing them to be so counterfeited or altered as aforesaid, and shall thereof be legally convicted, in any Court of Record in this Province, such Person or Persons shall be Sentenced to the Pillory, and to have both his or her Ears cut off and nailed to the Pillory, and to be publickly whipt on his or her bare Back, with *Thirty-one* Lashes well laid on : And moreover, every such Offender shall forfeit the Sum of *One Hundred Pounds* lawful Money of *Pennsylvania*, to be levied on his and her Lands and Tenements, Goods and Chattels, the one half to the Use of the Governor, and the other half to the Discoverer ; and the Offender shall pay to the Party grieved double the Value of the Damages thereby sustained, together with the Costs and Charges of Prosecution. And in Case the Offender hath not sufficient to satisfy the Discoverer for his or her Damages and Charges, and pay the Forfeiture aforesaid, in such Case the Offender shall, by Order of the Court where he or she was convicted, be sold, for any Term not exceeding Seven Years, for Satisfaction ; and in such Case the said Trustees shall reward the Discoverer of such insolvent Offender, to the Value of *Five Pounds*. And every such Counterfeit Bill shall be delivered to any of the said Trustees, to be made Use of upon the Tryal of the Person accused or suspected, and afterwards to be burnt or destroyed by the said Trustees, in the Presence of a Committee of Assembly.

AND IT IS HEREBY DECLARED
AND ENACTED by the Authority aforesaid,
That

That this Act shall be taken and allowed in all Courts and Places within this Province as a Publick Act, and all Judges, Justices and other Persons concerned, are hereby required to take Notice thereof, as such, without pleading the same specially.

C H A P. CCCXLIV.

An A C T for the more effectual preserving the Credit of our Paper-Money, and recovering the Proprietary Quit-Rents.

WH E R E A S it has been found by Experience, That Bills of Credit emitted upon Land-Security as a Medium in Commerce, have been of great Service for carrying on the Trade and other Improvements in this Province; and Money and Gold being now become a Commodity, and generally remitted to *Great Britain*, in Return for the Manufactures of that Kingdom imported hither;

A N D it being objected by the Proprietors of the Province of *Pennsylvania*, That the Quit-Rents reserved to them and payable in *Sterling-Money*, are now greatly in Arrear, and that it would be a very great Disappointment to them to receive the same otherwise than in Silver-Money;

A N D W H E R E A S it would be a Hardship upon the Freeholders of this Province, to purchase Silver to pay their Quit-Rents, and the same might also greatly affect the Credit or Value of our Paper-Money, and render it of less general Use: To remove which Difficulties, and for the Preservation of the Credit of our Paper-Money, our Proprietors having condescended to accept of the Bills of Credit of this Province at the Rate the same are made current by Law in all Payments, for the Quit-Rents due or to become due to them, on Grants of Land and Lots made before the Year *One Thousand Seven Hundred and Thirty-two*, during the Continuance of this Act; the Representatives of the Freemen of the Province of *Pennsylvania*, in General Assembly met, in Consideration of the Premises, have agreed to pay to them our said Proprietors the Sum of *Twelve Hundred Pounds* in Bills of Credit of this Province, at the Days and Times herein after mentioned, as also the Sum of
One

One Hundred and Thirty Pounds annually, during the Re-emption of the Bills of Credit, to be made current by an Act of the General Assembly of this Province, past this Session of Assembly, entitled An A C T for Re-printing, Exchanging and Re-emitting all the Bills of Credit of this Province, and for striking the farther Sum of 11,110l. 5s. to be emitted upon Loan.

T H E R E F O R E B E I T E N A C T E D by *GEORGE THOMAS*, Esq; with the King's Approbation, Lieutenant Governor under the Honourable *John Penn*, *Thomas Penn*, and *Richard Penn*, Esqrs; true and absolute Proprietors of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex* on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same; That there shall be paid to our Honourable Proprietors, or their Order, by the Trustees of the General Loan-Office of this Province, for the time being, out of the Interest-Money made payable to them by Virtue of the Act of Assembly aforesaid, the Sum of *Seven Hundred and Thirty Pounds* in Bills of Credit, on the *Twentieth* Day of *October*, which will be in the Year of our Lord *One Thousand Seven Hundred and Forty*, and also the further Sum of *Seven Hundred and Thirty Pounds* like Money, on the *Twentieth* Day of *October*, which will be in the Year of our Lord, *One Thousand Seven Hundred and Forty-one*, and likewise the Sum of *One Hundred and Thirty Pounds* every Year after the said *Twentieth* Day of *October* in the Year *One Thousand Seven Hundred and Forty-one*, during the Re-emption of the Bills of Credit aforesaid, by the Act aforesaid: Which Payments so made, and Receipts for the same from the Proprietors, or their Order or Assigns, being produced, shall be deemed, taken and adjudged sufficient Vouchers to discharge them the said Trustees, their Executors and Administrators, of and from so much of the Interest Money payable into their Hands, by Virtue of the Act of Assembly aforesaid.

A N D W H E R E A S the suffering the *Quit-Rents* to lye so long in Arrear, has proved not only a real Loss to our Proprietors, but at this Time has brought a very great Charge upon the Province, which we judge may in a great Measure be owing to the tedious and expensive Way provided for the Recovery of the said Rents. For Remedying thereof, **B E I T E N A C T E D** by the
Au-

Authority aforesaid, That in Case any Person or Persons holding or claiming any Lands or Lots within this Province, shall neglect to appear upon publick Notice given, as in and by one Act of General Assembly of this Province made in the *Fourth* Year of the late Queen ANNE, entitled *An ACT for the more easy and effectual Collecting the Proprietaries Quit-Rents*, is directed and provided, or within the Space of *Ten* Days after the Time limited by the aforesaid Act of Assembly, and pay the Quit-Rents that by him, her or them shall be then due to the Proprietors of *Pennsylvania*, in Bills of Credit of this Province as then current, upon Grants made before the Year *One Thousand Seven Hundred and Thirty-two*, and upon all Grants made afterwards, according to the Tenor of the said Grants; It shall and may be lawful to and for the said Receiver-General, or such Person as he shall appoint for that Purpose, to distrain the Goods and Chattels of the Owner or Possessor of the said Lands, for all such Rents as shall then be in Arrear, or ought to have been paid as aforesaid, and the Distress so taken to carry, lead or drive away, and if such Goods or Chattels shall not be replevied within the Space of *Five* Days next after such Distress made, then to cause the said Goods and Chattels to be appraised and sold in such Manner, and the Money arising by such Sales to be distributed, as by an Act made in the *Second* Year of the late King *William* and Queen *Mary*, entitled *An ACT for enabling the Sale of Goods distrained for Rent, in Case the Rent be not paid in reasonable Time*, is in that Behalf directed and appointed.

A N D if upon such Suit the Person replevying shall discontinue his Suit, become Non-suit, or a Verdict pass against him in the said Cause, the Goods distrained shall be restored by the Person who replevied the same, or he shall pay the Rent in Arrear with Costs of Suit, and such Damages only as shall be awarded by the Court.

A N D B E I T F U R T H E R E N A C T E D,
That where no sufficient Distress can be found, or where the Owners of Lands are not resident within this Province, it shall and may be lawful for the said Proprietors, to cause a Summons to issue in the usual Manner as directed in the Case of Freeholders, against the Owner or Possessor of such Lands, and a Copy of the said Summons to be delivered by the Sheriff or his Deputy to such Owner or Possessor of the said Lands, or to some of his or her Family, *Ten* Days before the Court to which such Summons is returnable, or to
6 O leave

leave a Copy of the Summons upon the Land, in Case there be no Person in Possession of the same, or that the Owner be a Non-Resident, at least *Ten Days* before the Day of the Return of the Summons, in the Presence of *One* Witness at least; and in Case of the Non-appearance of the Party by himself or lawful Attorney, then Judgment to be entered against the Defendant for the Rent due with Costs of Suit: And the better to avoid the Expence and Delay often occasioned by long and tedious special Pleadings, it shall and may be lawful and sufficient for the said Proprietors, where any Action or Suit shall be brought or Distress made for Quit-Rents due to them, to declare generally as Proprietors of *Pennsylvania*, upon an *Infinul computassent* in Debt or otherwise to avow as the Case may require for so much Quit-Rent due to them, out of the Lands or Lots, &c. for so many Years in Arrear, to which the Defendants may appear, and plead that he, or those under whom he claims, hath or have paid the whole or some Part of the Rents demanded, as the Cause may be, or that he made a lawful Tender of all the Monies due for Rent in Arrear, and is still ready and offers to pay the same; and if Verdict or Judgment be given for such Defendant, he shall thereupon be discharged without Payment of Costs.

PROVIDED ALWAYS, That nothing herein contained shall be deemed to repeal or disannul the aforesaid ACT of General Assembly for the more easy and effectual Collecting of the Proprietaries Quit-Rents, except such Part thereof as is hereby altered or other Provision made by this Act; and that this Act continue until the *Fifteenth Day of October* in the Year *One Thousand Seven Hundred and Forty-Nine*, and no longer.

G H A P. CCCXLV.

A Supplement to the ACT for Electing Members of Assembly, &c.

Preamble.

See 4 Ann.
Chap. 129.
and 13 Geo. I.
Chap. 924.

WHEREAS notwithstanding the just and impartial Method prescribed for Electing of Members of Assembly by the Charter of Privileges granted by the Honourable *William Penn*, Esq; late Proprietor and Governour in Chief of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex* on *Delaware*, to the Inhabitants thereof, and of the several Acts of General Assen-

Assembly of the said Province made in Pursuance of the said Charter, for the more free, impartial and peaceable Election of Members to serve in the General Assembly of the said Province, and of Sheriffs, Coroners, Commissioners, Assessors, and of Inspectors to assist in the said Election: It hath nevertheless been found upon Experience, That the present Method prescribed by the Laws of this Province for choosing Inspectors to assist the Sheriff, and for receiving the Poll or Votes at the said Elections, hath not answered the good Purposes for which it was intended; but great Numbers of disorderly Persons, many of whom not being qualified to vote for Members of Assembly, &c. have mixed themselves among the Electors at the Time of choosing Inspectors, and have by their rude and disorderly Behaviour disturbed the Electors, and created Strifes and Quarrels, to the great Danger and Disquiet of the peaceable People there met together, and in Delay of the said Elections.

AND WHEREAS it often happens, that the said Inspectors are chosen most or all of them out of one Part of the Country, and by reason thereof cannot be so well acquainted with the Estates and Circumstances of all the Electors, which was the principal End of their first Appointment.

FOR remedying of which Inconveniencies for the future, BE IT ENACTED by GEORGE THOMAS, Esq; with the King's Approbation, Lieutenant Governor, under the Honourable John Penn, Thomas Penn, and Richard Penn, Esqrs; true and absolute Proprietors of the Province of Pennsylvania, and the Counties of New-Castle, Kent, and Suffex upon Delaware; and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same; That the Justices of the respective Counties within this Province, shall at their next General Quarter-Sessions of the Peace to be held for the County to which they belong, next after the Publication of this Act, proceed to divide their Counties into Eight Districts or Hundreds, allotting as near as may be an equal Number of the adjacent Townships to each District, and shall cause the Clerk of the Peace to enroll or preserve the same among the Records or Proceedings of the said Court, and to deliver to the Sheriff of the respective Counties an Account of the several Districts or Hundreds within the County, as directed by the Justices aforesaid, with the Names of the several Townships in each of the said Districts,

Justices to divide their Counties into eight Districts.

all

all which the said Sheriff shall make known to the respective Constables within his County with all Expedition, that they may thereby be the better enabled to discharge their several Trusts in Pursuance of the Directions of this Act.

Freeholders to
meet in each
Township, &
nominate, &c.

AND BE IT FURTHER ENACTED That the Freeholders and others qualified to elect Members of Assembly, in each Township, shall meet on the *Twenty-fifth* Day of *September* yearly, but if the same shall happen upon a *First* Day of the Week, then upon the next Day following, at some convenient Place within their said respective Townships, to be appointed by the Constable of the said Township, or in Case of his Absence, Neglect or Refusal, then at such convenient Place within such Township as the Overseers of the Poor shall appoint; and the said Electors being qualified to vote for Members of Assembly, shall between the Hours of *Nine* in the Forenoon and *Two* in the Afternoon the same Day in the Presence of the Constable, and such *two* Freeholders as he shall call to his Assistance, or in his Absence, &c. the Overseer of the Poor, proceed by a Majority of Voices to nominate one able and discreet Freeholder of the said Township, who may be supposed to be best acquainted with the Estates and Circumstances of the Inhabitants, the Name of which Person so nominated and chosen is to be taken down in Writing by the Constable or Overseer of the Poor, as the Case shall happen, with the Name of the Township for which he is chosen, and shall be delivered to the Sheriff of the County at the Place of Election, or to such Person or Persons as shall happen to be Judges of the Election, before the Hour of *Nine* in the Forenoon of the Day whereupon the Election of Members of Assembly shall happen: And the Sheriff or other Judge of the Election, having then and there received the Names of all the Persons chosen for the respective Townships within his County, or so many of them as shall be delivered to him in Manner aforesaid, he shall call to his Assistance at least *four* Freeholders of the County, and in their Presence shall put all the Names of the Persons returned for each District into a separate Box to be provided by him for that Purpose; and shall likewise in the Presence of the said Freeholders call some indifferent Person, who shall draw one Name out of each Box, and deliver the same to the Sheriff or other Judge of the Election, which being done, the Persons whose Names shall happen to be drawn and being present, shall for that Year be the Inspectors of the Election, and as such shall be published by the Sheriff

†The Name of
the Person no-
minated to be
given to the
Sheriff, &c.

Sheriff in the Presence of the Electors, or so many of them as shall be present.

AND BE IT ENACTED by the Authority ^{Inhabitants of each Ward in Philadelphia, to meet, &c.} aforesaid, That it shall and may be lawful for the Inhabitants of the respective Wards of the City of *Philadelphia*, qualified to vote for Members of Assembly, to meet together at the Time herein before mentioned for the Meeting of the Inhabitants of the respective Townships in this Province, and at some convenient Place within their respective Wards to be appointed by the Constable of the Ward to which he belongs, of which publick Notice shall be given in Writing, &c. by affixing the same upon the Court-House Door in *Philadelphia* at least *Six* Days before the said *Twenty-fifth* of *September*, and there shall in the Presence of the Constable of the Ward and such *two* Freeholders of the said Ward as he shall call to his Assistance, proceed by a Majority of Voices, to nominate one substantial Freeholder of Ability and Integrity residing within the said Ward, whose Name when so chosen shall be taken in Writing, and certified by the Constable and Freeholders aforesaid, to the Sheriff of the County or other Judge of the said Election, in the Manner before directed for the Constables of Townships; and the Sheriff shall put the Names of all the Persons so to him returned into a Box, and shall call some indifferent Person who shall draw *four* of the said Names out of the said Box, and deliver the same to the Sheriff, who shall read the same publickly in the Presence of the Electors then present: And the *four* Persons whose Names shall so happen to be drawn, shall together with the Inspectors chosen out of the several Districts of the said County, be the Inspectors for that Year for the Election, and as such shall be qualified in the Manner before directed for other Inspectors, and the other *six* Persons whose Names shall remain in the Box, shall be the Inspectors for that Year for the City of *Philadelphia*, and shall be qualified in Manner aforesaid.

BUT before they proceed to act in assisting the Sheriff ^{Inspectors to be qualified, &c.} to receive the Poll or Votes of the said Electors, they shall be qualified by Oath or Affirmation by the Sheriff of the proper County, or other Judges of the Elections, who are hereby required and empowered to administer the same; That they the said Inspectors will duly attend the ensuing Election, during the Continuance thereof, and will truly and faithfully assist the Sheriff, Coroners or other Judges of the said Election, to prevent all Frauds and Deceits what-

soever of Electors or others in carrying on the same, and in causing the Poll or Votes at such Election to be taken and cast up according to the Direction of the before-recited Act.

Inspectors
may qualify
Electors, &c.

AND the said Inspectors shall and are hereby authorised to administer to every Elector or Person who presents his Ticket, an Oath or Affirmation in the Words directed by the aforesaid Act of Assembly, unless the Qualification of such Elector be generally well known, and some one or more of the said Inspectors shall and will openly declare to the rest that they know such Elector to be qualified as in the aforesaid Act of Assembly is required; and the Votes or Tickets of such as offer to Poll and refuse to take the said Oath or Affirmation, shall be openly rejected, and the Votes or Tickets of every Person who takes the said Oath or Affirmation, shall with the other lawful Tickets or Votes be put into the Box, and no Ticket so received shall be suppressed.

Constables to
give publick
Notice, &c.

AND to the End this Act may be duely executed and the Peace preserved; **BE IT THEREFORE ENACTED** by the Authority aforesaid, That the Constables of the respective Townships within the several Counties of this Province, or in case of the Death, Neglect or Absence of the said Constables, then the Overseers of the Poor of such Township, or one of them, shall at least *Ten Days* before the said 25th Day of *September* in every Year, give publick Notice in Writing, by affixing the same at the most publick Places in the respective Townships, of the Place where the Inhabitants of the Township in which they live, shall meet, to nominate a fit Person, according to the Direction of this Act; and that the said Constable, or in his Absence the Overseer of the Poor as aforesaid, shall there attend at the Time appointed in this Act; and such Constable or Overseer of the Poor shall call to his Assistance two substantial Freeholders of the said Township, being there present, who shall assist him in judging of the said Nomination, or in taking the Poll, if need be, and who together with himself shall certify to the Sheriff of the County or other Judge of the Election, under their Hands, that such Person was nominated by a Majority of lawful Voices, by the Township to which he belongs; which Nomination so made as aforesaid shall be delivered to the Sheriff, &c. of the County to which they belong, in the manner herein before directed.

A N D

A N D if any Constable or Overseer of the Poor being the Judge of such Nomination as aforesaid, shall neglect to do the Duty hereby enjoined him, or shall wilfully misbehave himself in the Execution of his Duty, and being thereof legally convict, or if any of the Persons so nominated and returned, for any Township within this Province, in the manner before directed, shall neglect or refuse to give his Attendance at the Time and Place of Electing Members of Assembly, every such Person so offending in any of the Premises, shall forfeit the Sum of *Five Pounds*, to any Person who will sue for the same, to be recovered by Action of Debt in any Court of Record within this Province, with Costs of Suit; and if the Person whose Name shall happen to be drawn being called shall not appear, then the Name of another Person belonging to the same District shall be drawn, and shall be qualified and proceed to officiate as an Inspector, in the Manner before directed in this Act for Inspectors.

Penalty on Constables, &c. neglecting the Duty required of them by this Act.

A N D B E I T E N A C T E D by the Authority aforesaid, That an Act of Assembly of this Province, entitled, *A Supplementary ACT, to the Act for ascertaining the Number of Members of Assembly, and to regulate Elections*, and every Article and Clause therein, shall be and is hereby repealed.

P R O V I D E D A L W A Y S, That nothing herein contained, shall be deemed or taken to alter or make void the said recited Act of General Assembly made in the *Fourth* Year of the Reign of the late *Queen Anne*, or any thing therein contained, but that every Clause, Article and Sentence therein, except what is hereby altered or supplied, shall be and remain in full Force and Virtue, as the same was before the making of this Act, or the aforesaid Supplementary Act hereby repealed.

T H I S Act to continue for the Space of *Three Years*, and from thence to the End of the next Session of Assembly, and no longer.

C H A P. CCCXLVI.

An ACT for the more easy and speedy Recovery of small Debts.

Preamble.

WHEREAS it is found by Experience, that a great Number of the Law-Suits which are commenced in this Province, are brought against the poorer Sort of People, for small Sums of Money, who are unable to bear the Expences arising by the common Method of Prosecution; Therefore, for Remedying thereof,

ACTIONS for
Debt under
5*l.* cognizable
before any one
Justice, &c.

BE IT ENACTED by *GEORGE THOMAS*, Esq; with the King's Royal Approbation, Lieutenant Governor, under the Honourable *John Penn, Thomas Penn* and *Richard Penn*, Esqrs; true and absolute Proprietaries of the Province of *Pennsylvania*, and of the Counties of *New-Castle, Kent* and *Sussex on Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all Actions for Debt or other Demand, for the Value of *Forty Shillings*, and upwards, and not exceeding *Five Pounds* (except such Actions as are herein after excepted) shall immediately after the Publication of this Act, be and are hereby made cognizable before any Justice of the Peace of any of the Counties in this Province, in the County in which the Defendant shall be or reside; and the said Justices are hereby respectively impowered and required, upon Complaint to either of them made, for any such Debt or Demand, to issue a Warrant in the Nature of a Summons, or *Capias*, as the Case may require, directed to the Constable of the Township or District where the Defendant dwells or can be found, commanding him to bring or cause such Defendant to appear before him, at the Time and in the Manner following, (*That is to say*) In Cases where such Process shall be in the Nature of a *Capias*, forthwith after the Service thereof; but where a Summons shall be issued, then on some certain Day therein to be expressed, not less than five nor exceeding eight Days from the Date of such Process; and at the Time appointed for the Hearing of any such Cause, the said Justice, himself, or at the Request of the Parties, by Auditors or Referees to that Purpose by him appointed, and approved

approved of by the said Parties, shall proceed to hear and examine the Proofs and Allegations of the Plaintiff and Defendant; and upon the Return of such Auditors, or otherwise, to give his Judgment thereupon, as the true Merits and Right of the Cause shall appear to him, with such Costs only as by the Laws of this Province are allowed in Debts under *Forty Shillings*.

PROVIDED ALWAYS, that the Process against a Freeholder shall be by Summons only, and Service shall be made thereof on the Person, or a Copy thereof left at the House of the Defendant, in the Presence of one or more of his Family or Neighbours, or least four Days before the Time appointed for a Hearing; and in Case the Defendant does not appear at the Time appointed, then on Oath or Affirmation made by the Constable, that the said Summons was duly served in Manner aforesaid, the Justice who granted the same Summons, may either then, or on such farther Day as he shall deem consistent with Reason and the Nature of the Case to appoint, and not otherwise, proceed to hear and determine such Cause or Causes in the Defendant's Absence, and give Judgment and award Execution thereupon, as if the Defendant had been personally present.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That after Judgment given in any of the Cases aforesaid, the Justice who pronounced the same, shall grant Execution thereupon, directed to the Constable aforesaid, commanding him to levy the Debt or Damages and Costs of the Defendant's Goods and Chattels (who by Virtue thereof shall within the Space of Ten Days next following expose the same to Sale by publick Vendue, returning the Overplus, if any be, to the Defendant) and for Want of sufficient Distress, to take the Body of such Defendant into Custody, and him or her to carry and convey to the Common Goal of the County; and the Sheriff or Keeper of such Goal is hereby required to receive the Person or Persons so taken in Execution, and him, her or them safely to keep, until the Sum recovered, with Costs, be fully paid; and in Default of such safe Keeping, to be liable to answer the Damages to the Party grieved, in such Manner as by Law is provided in Case of Escapes. BUT in Case no Assets belonging to the Defendant, sufficient to pay the Debt and Costs, can be found, it shall and may be lawful for the Plaintiff to apply to the Justice who

Process against
a Freeholder
to be by Sum-
mons, &c.

After Judg-
ment Execu-
tion to be
granted, &c.

In Case no
Assets can be
found, the
Sum recovered
may be levied
on Lands, &c.

pronounced the Judgment, for a Transcript thereof, and on filing the same in the Prothonotary's Office of the Court of Common Pleas in that County in which the Recovery shall be had, it shall and may be lawful for the Plaintiff to levy the Sum recovered, with Costs of Suit, on the Lands and Tenements of the Defendant, either by *Fieri facias*, *Venditioni exponas*, or Extent, as the Case may require, in like Manner as by Law is provided in other Cases.

No Execution to be issued against a Freeholder, in less than three Months, unless &c.

PROVIDED ALWAYS. That no such Execution shall be issued against any Freeholder, in less than the Space of *Three Months* next after the Entry of such Judgment, unless the Plaintiff, or Somebody for him or her, shall on Oath or Affirmation declare, that he or she hath good Reason to believe that the Debt will by such Delay be lost, for that at the End of the said Term, or before it (he or she believes) the Defendant will not have sufficient Assets in the County on which the said Debt may be levied. And if any Judgment to be given as aforesaid, shall be against a Person not a Freeholder, such Person shall have the Execution against him or her respited for like Term of *Three Months*, on his or her entering into Recognizance to the Plaintiff, with one sufficient Security in the Nature of Special Bail, on Condition to deliver the Body of the Defendant to the Sheriff of the County, at the Expiration of the Time so to be allowed, or that the Condemnation-Money shall then be paid; and in Default of giving such Security, shall be committed to the common Goal of the County, there to remain until the Debt and Costs shall be paid, or such Defendant otherwise legally discharged.

PROVIDED ALSO, That where the Plaintiff in any Cause shall become nonsuit, or Judgment shall pass against him, then the Justice is hereby required to assess the Defendant his reasonable Costs, to be levied in Manner aforesaid.

Insolvent Debtors may be relieved, as before.

PROVIDED ALSO, That it shall and may be lawful for the Justices of the respective Courts of Common Pleas, to give such Relief to any insolvent Debtor or Debtors prosecuted in pursuance of this Act, as they might have done by the Laws now in force, in case this Act had not been made.

PROVIDED ALSO, That if any Person or Persons shall conceive him, her, or themselves aggrieved by

by any such Judgment so to be given, (Cases determined on the Return of Auditors or Referrees as aforesaid only excepted) it shall and may be lawful for such Person or Persons at any Time within the Space of Six Days next following the Giving of such Judgment, but not after, to appeal therefrom to the next Court of Common-Pleas to be holden for the County in which such Suit shall be commenced, he, she or they first entring into Recognizance with at least one sufficient Security, at least in double Value of the Debt or Damage sued for, and sufficient to answer all Costs, to prosecute the said Appeal with Effect, and to abide the Order of the said Court, or in default thereof to be sent by *Mittimus*, to the Sheriff of the County, by him to be kept, until he, she or they shall give such Security, or be otherwise legally discharged.

Persons con-
ceiving them-
selves aggrieved
may appeal
&c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Justices shall cause fair Entries to be made in Books by them to be provided for that Purpose, of the Names of the Plaintiff and Defendant in all such Causes as may come before them, with the Debt and Costs adjudged, and the time when the same Judgment was given; and upon any Appeal made from any such Judgment, the Justice who pronounced the same shall send a Transcript thereof to the Prothonotary of the Court of Common-Pleas of the County in which such Appeal is made, on or before the first Day of the Term next following any such Appeal; for which Transcript or any other obtained by Virtue of this Act, the Justice shall be allowed in the Costs to be taxed *Eighteen Pence*, and no more.

Justices to
make fair En-
tries in Books
&c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That at the Court to which any such Appeal shall be made, the Person so Appealing shall cause an Entry of his Suit to be made by the Prothonotary of such Court, and shall either have his Appearance entred, or give Bail to the Action, as the Nature of the Case may require; or on Neglect thereof, and Application of the Appellee to the Court for that End, the Appellant's Default shall be recorded, the first Judgment affirmed with reasonable Costs, and Execution shall be issued out of the said Court against the Defendant's Body, Goods or Chattels, as is usual in other Cases. And in Case the Defendant shall appeal or give Bail as aforesaid, the Plaintiff or Defendant in the Appeal (as the Case may require) shall file his or her Declaration, and the adverse Party

Method of
Proceeding in
Court upon
Appeal.

plead

plead to issue in such Time as shall be directed by the Court, so always that the Cause be tryed by a Jury of the Country, in the usual Manner, either the Court to which such Appeal is made, or the next Term at farthest (unless the Court on Cause to them shewn, shall think fit to give the Parties a farther Day) and as the Verdict shall be rendered in any of the said Causes, the Court shall give Judgment thereupon, as the Nature of the Case may require, with Costs of Suit.

PROVIDED ALWAYS, That if the Parties Appellant and Appellee shall neglect or refuse to file his or her Declaration, or to plead to issue in such Time as shall be directed by the Court, a Nonfuit or Judgment by Default may be entered for want thereof as usual.

PROVIDED ALSO, That the Costs to be taxed in any such Suit, to the several Officers, and others concerned, for the Services by them respectively to be done, shall be two third Parts only of the Costs now usually taken in the said Courts of Common-Pleas.

PROVIDED ALSO, That none of the Justices who by Virtue of this Act shall hear and determine any of the Causes aforesaid out of Court, shall afterwards sit on the Hearing and Determining the same Cause on an Appeal made to any of the Courts of Common-Pleas aforesaid.

Penalty on
commencing
Suits made
cognizable by
this Act, in a
any other Man-
ner.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whosoever, shall commence, sue or prosecute any Suit or Suits, for any Debts or Demands made cognizable as aforesaid, in other Manner than is directed by this Act, and shall obtain a Verdict or Judgment therein for Debt or Damages, which without Costs of Suit shall not amount to more than *Five Pounds* (not having caused an Oath or Affirmation to be made before the obtaining of the Writ of Summons or Capias, and filed the same in the Prothonotary's Office respectively, that he, she or they so making Oath or Affirmation, did truly believe the Debt due, or Damage sustained, exceeded the Sum of *Five Pounds*) he, she or they so prosecuting, shall not recover any Costs in such Suit, any Law, Usage, or Custom to the contrary notwithstanding.

P R O

PROVIDED ALSO, That this Act, nor any thing herein contained, shall be deemed, construed, or understood to extend to Actions of Debt for Rent, Debt upon Bonds for Performance of Covenants, to Actions of Covenant, to Actions of Replevin, or upon any real Contract; nor to Actions of Trespafs on the Case for Trover and Conversion, or Slander; nor to Actions of Trespafs for Assault and Battery, or Imprisonment; nor to such Actions where the Title of Lands shall any wise come in Question.

PROVIDED ALSO, That this Act shall continue in Force for the Space of *Three* Years, and from thence to the End of the next Sessions of Assembly, and no longer.

C H A P. CCCXLVII.

A Supplement to an Act of Assembly of this Province, entituled An ACT prescribing the Forms of Declarations of Fidelity, Abjuration and Affirmation instead of the Forms heretofore required in such Cases. Repealed.

C H A P. CCCXLVIII.

An ACT for the better enabling divers Inhabitants of the Province of Pennsylvania, to trade and hold Lands within the said Province.

WHEREAS, by the Royal Charter of the late King *Charles* the Second, to *William Penn*, Esq; late Proprietary and Governour of the Province of *Pennsylvania*, Licence is granted to all Persons not specially forbidden, to transport themselves and Families into the said Province, in such Shipping as by the Laws of the Kingdom of *England* they ought to use, paying the Customs therefore due, and here to settle themselves, dwell and inherit, and plant for the publick and their own private Advantage; with Licence to purchase and hold Lands in Fee-simple, or otherwise, of the said Proprietary and his

Heirs, with full Licence to all Persons who shall from time to time repair hither with a purpose to inhabit, or trade with the Natives of this Country, to load, freight, and transport, all and singular their Goods, Wares and Merchandizes, not prohibited by the Laws and Statutes of *England*, into any Ports whatsoever of the said late King, his Heirs and Successors, according to the Laws made or to be made within the said Kingdom of *England*, saving always to the said late King, his Heirs and Successors, the legal Impositions, Customs or other Duties, due or to become due by any Law or Statute for the said Wares or Merchandizes, as by the said Royal Charter, among other Things, may more fully appear.

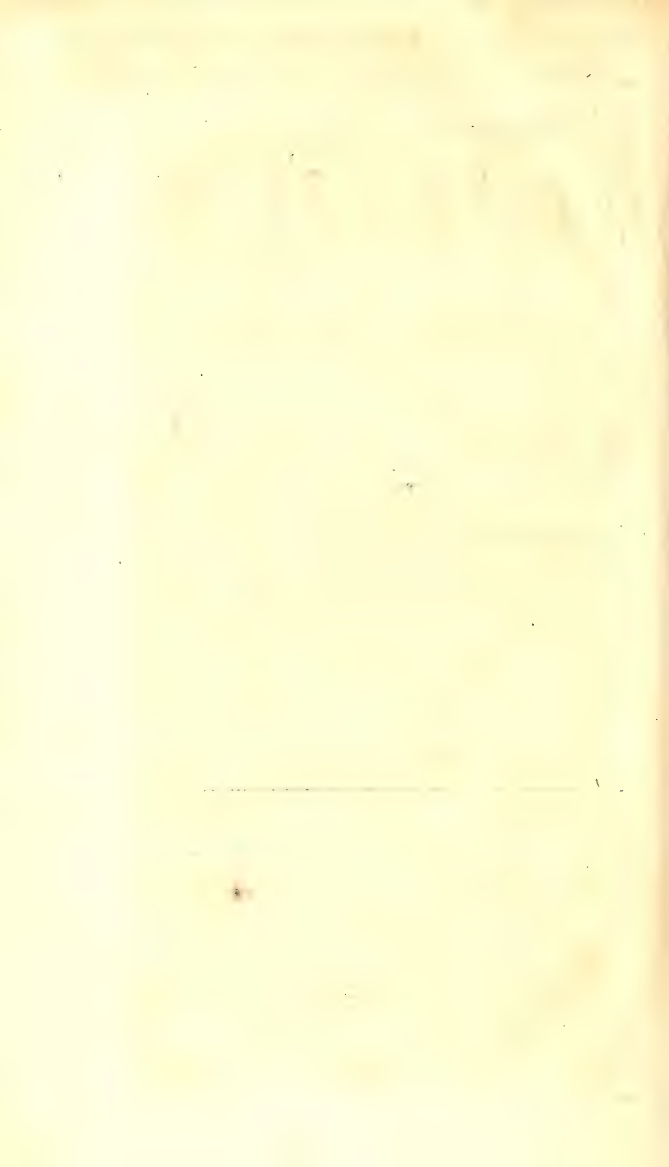
AND WHEREAS, *Joannes Dylander, Christian Grassfold, Henry Shocklier, Michael Jansen Halling, Daniel Steinmetz, Johannes Smith, David Deseler, Hans George Pasfage, David Seesholz, Stephen Greiff, Hans George Hickner, Sebastian Mirry, Rudolph Bonner, Baltazar Reffer junior, Johannes Zacharias, Charles Benzel junior, Daniel Mackned junior, Justus Reebe Camp, Charles Reebe Camp, Jacob Gallette, Anthony Hinkel, Peter Righter, William Rerigh, Henry Shoub, Christopher Rhoab, Caspar Singer, Ludovick Knaus, William Hauke, Leonbard Cristler, Johannes Wilhelm, Ludovick Cirkel, Ludovick Hinnige, George Creesman, Friedrich Gotshall, Andreas Trombouer, Jacob Trombouer, Hartmann Dettermmer, Philip Engbert, Leonbard Hartlein, Michael Kleim, Joseph Cub, Henry Deenig, Johan Dieterick Bauman, Johan Kleim, Friedrich Marstaller, Matthias Koplin, Johannes Bender, Henry Deeringer, Adam Moser, Peter Jager, Samuel Gooldin, Hans George Jager, Jacob Frey, Christopher Witman, Andreas Geisberts, Andreas Jager, Jacob Aister, Andreas Kepler, Benedictus Muntz, Johan Eigster, Michael Herger, Philip Haan, Conrad Dotterer, Bernhard Dotterer, Herman Fischer, Friedrich Hillengas, Philip Labar, Michael Knappenberger, Michael Dotterer, George Hubner, Conrad Kolb, George Philp Dotterer, Johan Miller, Jacob Freeb, Henry Smith, Leonbard Smith, Rowland Smith, Michael Kraus, Daniel Krestman, Abraham Beyer, Michael Good, George Good, Henry Sneyder, Adam Reed, Christopher Ottinger, Anthony Jager, Nicolas Jager, Johan Henry Weeber, Johan Jacob Roth, Johannes Geldbach, and Christian Gony, Inhabitants of the City and County of Philadelphia; Henry Bernhard, Mickel Neace, and Adam Scheffer, Inhabitants of the County of Bucks; Michael Albert, William Albert, Leonbard Bender, George Miller, John Busbung, Nicholas Candle, John Hagey, Charles Keller, Stephen Remsberger, Ludovick Dettenburn, Jacob Bare junior, John Leiberger, Michael Becker,*

Becker, John Peter Coober, Christian Lawer, John Libough, Bartholomew Shaver, Casper Stump, Jacob Becker, Tobias Pickle, Peter Rutt, George Klein, Paul Tittenboffer, Matthias Tise, George Ludovick Horst, Sebastian Graff, Johan Henry Basseler, Matthias Jung, Jacob Schloug, Henry Michael Immel, Felix Miller, Martin Weybrecht, Friedrich Eighelberger, Sebastian Fink, Hens Adam Schreiner, Christian Lang, Caspar Tiller, Anthony Bretter, Leonhard Ellmaker, Andreas Bersinger, Hans Graff, Jacob Hartman, Theophilus Hartman, Theophilus Hartman junior, Benjamin Witmer, Adam Witmer, Johannes Pinkly, Turst Buckwalter, Henry Neaf junior, Valentine Hergelrat, Henry Basseler, Johan Stetler, Leonhard Romler, Leonhard Heyer, Peter Schell, Johan Nobaker, Nicolas Miller, Johan Hock, Thomas Kopenbeffer, Michael Kopenbeffer, Christian Leman, George Unrock, Jacob Scheffer, Valentine Keffer, Jacob Etsberger, Herman Walburn, Caspar Reed, Christian Mamm-smith, Nicholas Kutts, George Weyrick, Christopher Ley, Jacob Lower, Hans Moor, Johannes Blum, George Steitz, Erasmus Buckenmeyer, and George Graff, Inhabitants of the County of Lancaster; being of the Protestant or Reformed Religion, and Subjects of the Emperor of Germany, and other Princes, now in Amity with the King of Great Britain, having transported themselves with their Families and Effects into this Province, and being desirous to be made Partakers of the Immunities, belonging to the natural-born Subjects of this Province; and to be more effectually secured of those Privileges and Advantages granted by his said late Majesty King Charles the Second, to Persons Coming into this Province to settle and inhabit, they having (as a Testimony of their Fidelity and Affection to his present Majesty King GEORGE the Second and the Crown of Great Britain) taken the Qualifications to his Majesty and his Government by Law appointed and enjoined to be taken, obtained Leave to bring in this Bill to the present Assembly.

T H E R E F O R E may it please the Governor that it may be enacted; A N D B E I T E N A C T E D by GEORGE THOMAS, Esq; Lieutenant Governor with the Royal Approbation, under the honourable John Penn, Thomas Penn, and Richard Penn, Esqrs; true and absolute Proprietaries and Governors of the Province of Pennsylvania, That they the said Joannes Dylander, Christian Grassfold, Henry Shocklier, Michael Jansen Halling, Daniel Steinmetz, Johannes Smith, David Desbler, Hans George Passage, David Seesholz, Stephen Grieff, Hans George Hickner, Sebastian Mirry, Rudolph Bonner, Baltazar Reffer junior, Johannes

Johannes Zacharias, Charles Benzel junior, Daniel Mackned junior, Justus Reebe Camp, Charles Reebe Camp, Jacob Gallette, Anthony Hinkel, Peter Righter, William Rerigh, Henry Shoub, Christopher Rboab, Caspar Singer, Ludovick Knaus, William Hauke, Leonhard Cristler, Johannes Wilhelm, Ludovick Cirkel, Ludovick Hinnige, George Creesman, Friedrich Gotsball, Andreas Trombouer, Jacob Trombouer, Hartmann Dettermmer, Philip Engbert, Leonhard Hartlein, Michael Kleim, Joseph Cub, Henry Deenig, Johan Dieterick Bauman, Johan Kleim, Friedrich Marstaller, Matthias Koplin, Johannes Bender, Henry Deeringer, Adam Moser, Peter Jarger, Samuel Gooldin, Hans George Jarger, Jacob Frey, Christopher Witman, Andreas Geisberts, Andreas Jager, Jacob Aister, Andreas Kepler, Benedictus Muntz, Johan Eigster, Michael Herger, Philip Haan, Conrad Dotterer, Bernhard Dotterer, Herman Fischer, Friedrich Hillengas, Philip Labar, Michael Knappenberger, Michael Dotterer, George Hubner, Conrad Kolb, George Philp Dotterer, Johan, Miller, Jacob Freeb, Henry Smith, Leonhart Smith, Rowland Smith, Michael Kraus, Daniel Kreeftman, Abraham Beyer, Michael Good, George Good, Henry Sneyder Adam Reed, Christopher Ottinger, Anthony Jager, Nicolas Jager, Johan Henry Weeber, Johan Jacob Roth, Johannes Goldbach, and Christian Gondy, Inhabitants of the City and County of Philadelphia; Henry Bernhard, Mickel Neace, and Adam Scheffer, Inhabitants of the County of Bucks; Michael Albert, William Albert, Leonhard Bender, George Miller, John Bushung, Nicholas Candle, John Hagey, Charles Keller, Stephen Remsberger, Ludovick Dettenburn, Jacob Bare junior, John Leiberger, Michael Becker, John Peter Coober, Christian Lawer, John Libough, Bartholomew Shaver, Casper Stump, Jacob Becker, Tobias Pickle, Peter Rutt, George Klein, Paul Tittenhoffer, Matthias Tise, George Ludovick Horst, Sebastian Graff, Johan Henry Basseler, Matthias Jung, Jacob Schloug, Henry Michael Immel, Felix Miller, Martin Weybrecht, Friedrich Eigbelberger, Sabastian Fink, Hens Adam Schreiner, Christian Lang, Caspar Tiller, Anthony Bretter, Leonhard Ellmaker, Andreas Berlinger, Hans Graff, Jacob Hartman, Theophilus Hartman, Theophilus Hartman junior, Benjamin Witmer, Adam Witmer, Johannes Pinkly, Turst Buckwalter, Henry Neaf junior, Valentine Hergelrat, Henry Basseler, Johan Stetler, Leonhard Romler, Leonhard Heyer, Peter Schell, Johan Nobaker, Nicolas Miller, Johan Hock, Thomas Kopenbeffer, Michael Kopenbeffer, Christian Leman, George Unrook, Jacob Scheffer, Valentine Keffer, Jacob Etsberger, Herman Walburn, Caspar Reed, Christian Manu-smith, Nicholas Kutts, George Weyrick, Christopher Ley, Jacob Lower, Hans Moor, Johannes Blum, George Steitz, Erasmus Buckenmeyer

Buckenmeyer, and *George Graff*, Inhabitants of the County of *Lancaster* ; and every of them, are hereby declared, and shall at all Times hereafter be esteemed and taken, to all Intents and Purposes, to be and to have been, since their first Arrival in this Province, free and fully able, and capable to trade, traffick, load, freight, and transport all and all Manner of Goods, Wares and Merchandizes, not by Law prohibited to be imported or exported, as if they and every of them had been the natural Liege People and Subjects of the King of *Great Britain*, born in this Province of *Pennsylvania* ; and also they and each of them shall and are hereby enabled, and adjudged able to all Intents, Constructions and Purposes whatsoever, as well to demand, take, have and enjoy any Privileges and Immunities belonging to his Majesty's Liege People, and natural Subjects of this Province, as also to have and enjoy all Lands and Tenements, and all other Hereditaments, by Way of Purchase or Gift, of any Person or Persons whatsoever ; and also to prosecute, pursue, maintain, avow and justify all and all Manner of Actions, Suits and Causes, and all other Things to do, as lawfully, freely and fully, as if they and every of them had been and were born Natural Subjects of this Province, or as any other Person or Persons born within this Province may lawfully in any wise do, any Law, Custom or Usage to the contrary thereof in any wise notwithstanding.



A N N O R E G N I
G E O R G I I II.
 R E G I S
 D E C I M O . S E X T O .

At a GENERAL ASSEMBLY begun
 at *Philadelphia*, in the Province of
Pennsylvania, the Fourteenth Day of
October, in the Sixteenth Year of our
 Sovereign Lord *GEORGE* the
 Second, King of *Great Britain*, &c.
Annoq; Domini One Thousand Seven
 Hundred and Forty-two, and con-
 tinued by Adjournments 'till the Third
 Day of *January*, in the same Year:
 The following ACTS were passed
 by the Honourable *GEORGE THOMAS*,
Esq; Governor of the said Province,
That is to say,

C H A P. CCCXLIX.

An A C T imposing a Duty on Persons convicted of heinous Crimes, brought into this Province, and not warranted by the Laws of Great Britain ; and to prevent poor and impotent Persons being imported into the same,

Preamble.

Importer of Convicts to pay 5 l. per Head.

W H E R E A S many Persons trading into this Province have, for Lucre and private Gain, imported and sold, or disposed of, and daily do import Passengers and Servants into this Province ; who, by reason of Age, Impotency or Idleness, have become a heavy Burthen and Charge upon the Inhabitants thereof ; and likewise, do frequently import divers Persons convicted of heinous Crimes, who soon after their coming into this Province do often commit many Felonies, Robberies, Thefts and Burglaries, to the great Hurt of his Majesty's Subjects trading to and inhabiting the same : **B E I T T H E R E F O R E E N A C T E D** by the Honourable *GEORGE THOMAS*, Esq; with the King's Royal Approbation Lieutenant Governor of the Province of *Pennsylvania*, and Counties of *New-Castle, Kent and Sussex on Delaware*, under the Honourable *John Penn, Thomas Penn and Richard Penn*, Esqrs; true and absolute Proprietors and Governors in chief of the said Province and Counties ; by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Masters of Vessels, Merchants, or others, who shall import, land or bring into any Port or Place belonging to this Province, at any Time after the Publication of this Act, any Person in the Condition of a Servant, or otherwise within the Intent and Meaning of this Act, who hath been convicted of any Murder, Burglary, Rape, Sodomy, Forgery, Perjury, or any Felony, at any Time before such Importation or coming into this Province, shall, before the said Convicts be landed or put on Shore, pay the Sum of *Five Pounds* for every such Convict so imported or otherwise brought in ; one Moiety thereof to the Governor for Support of Government, and the other Moiety to the Collectors appointed by this Act, or the Informer, and shall further become bound, with good and sufficient Security, to the Treasurer of this Province for the time being, in the Sum of *Fifty Pounds*, for the good Behaviour of such convict Person, for the Space of one Year next after his or her Importation or coming into this Province.

A N D

AND WHEREAS it hath been a Practice for Masters of Vessels, Merchants, and others, trading into this Province, with Intent to avoid complying with the Payment of the Duties and giving Security required by former Acts of Assembly of this Province, made to prevent the Importation of Convicts and poor and impotent Persons, to land their Passengers, Servants and Convicts in some of the adjacent Governments; which Passengers, Servants, impotent People and Convicts have afterwards been secretly brought into this Province: THEREFORE, to prevent such or the like Practices for the future, BE IT ENACTED by the Authority aforesaid, That if any such Convict as aforesaid, or Servant, or Passenger, being poor and impotent Persons, shall be imported into the River *Delaware*, after the Publication of this Act, and shall be found within this Province at any Time within the Space of Twelve Months next after their being imported as aforesaid, whether such Persons were landed within this Government or elsewhere, it shall and may be lawful for the Collectors of the Duties appointed by this Act, or their Deputies for the time being, and for any Justice of the Peace or principal Magistrate or Magistrates of any City or County or Town within this Province to cause to be apprehended, taken-up, and to examine, upon Oath or Affirmation, all such Convicts as aforesaid, or Passengers and Servants, being poor and impotent Persons, and all other Persons who may be supposed to be able to make any Discovery of the Time and Manner of their being imported or coming into this Province, and from whence they came last, how long they have been come from Parts beyond the Seas, of what Country, and in what Vessel, and who was Master or Merchant of such Vessel, and whether such Vessel, at the Time of such Person or Persons being shipped or coming on board was bound to or designed for *Pennsylvania*, and whether such Person or Persons shipped themselves with Intent to come into this Province: And if upon Examination it shall appear to any two Justices of the Peace within this Province, or to any principal Magistrate aforesaid, or to the Mayor and Recorder, or to either of them, with any one of the Aldermen of the City of *Philadelphia*, that the said Persons were shipped or took their Passages for *Pennsylvania*, or were shipped or came from any other Port or Place whatsoever, and were found within this Province; then the said Magistrates before whom such Examination is taken, shall demand and compel the Persons, if Convicts, immediately to comply with the Directions of this Act, by paying the Duties hereby imposed

Convicts, &c. if found in this Province within 12 Months after Importation, may be apprehended and examined, &c.

And shall be compelled immediately to comply with the Directions of this Act,

on them, and giving the Security directed in the Case of Convicts by this Act, and shall be and are hereby impowered and required to send for the Master and Merchant of such Vessel, or either of them, in which the said Persons were supposed to be imported (if to be found within the Province) and to examine such Master or Merchant, upon their Oath or Affirmation, concerning the said Servants, Passengers or Convicts, and their Importation or coming into this Province; and if it shall appear that the said Persons so apprehended, or any other Persons being Convicts as aforesaid, were shipped or taken on board to be imported into *Pennsylvania*, and put on Shore, or permitted to go on Shore, by such Master or Merchant, in any other Government upon the River *Delaware*, or upon any Place or Island within the said River, without making Report and complying with the Directions of this Act, then in such Case the said Master or Merchant shall be obliged forthwith to give Security for his or their Appearance at the next Court of General Quarter-Sessions of the Peace to be held for the City or County where such Examination is taken; and if, upon Presentment or Information, he or they shall be legally convicted of such fraudulent Practice, he, she or they so offending shall forfeit the Sum of *Twenty Pounds* for every Person so by him or them brought in as aforesaid and put or permitted to be put on Shore; and for every such Person as afterwards at any Time within the Space of Twelve Months next after their being landed or put on Shore, shall be found within this Province without making such Entry and paying the Duties, and giving the Security required by this Act; one Half to the Governor, and the other Half to the Collector of the County in which they shall be respectively imported or brought in, or Informer; and shall further pay the same Duties, and give the same Security for such Convicts as aforesaid, as if such Persons had been imported into this Province and Report thereof made according to the Direction of this Act.

Penalty on Master or Merchant acting contrary to this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That upon Information given to the Mayor and Recorder of the City of *Philadelphia* for the time being, or the Mayor or Recorder, together with one of the Aldermen of the said City, or to any two Justices of the Peace, or other Principal Magistrate of any County or Town within this Province, that any old Persons, Infants, maimed, lunatick, or any vagabond or vagrant Persons are imported, come or brought into this Province, the said Mayor,

Mayor, Recorder and Aldermen, or any two of them as aforesaid, or any two Justices of the Peace of the respective Counties where such Persons shall be found, shall cause such aged Persons, Infants, impotent or vagrant Persons to be brought before them; and if, upon Examination, they shall judge that such Person or Persons are likely to become chargeable to the City, Town or County where they are found or were imported, it shall and may be lawful for the said Mayor, Recorder and Aldermen, or any two Justices of the Peace or principal Magistrate as aforesaid, by Warrant or otherwise, to send for the Master, Merchant or other Person who imported any such Infant, lunatick, aged, maimed, impotent or vagrant Person or Persons as aforesaid as are likely to become chargeable as aforesaid; and upon Proof made of their being the Owners or Importers of such Infant, lunatick, aged, maimed, impotent or vagrant Persons who shall be judged to be likely to become chargeable as aforesaid, the said Mayor, Recorder and Aldermen, or any two of them as aforesaid, or any two Justices or principal Magistrate as aforesaid, shall and may compel the said Master, Merchant or Importer of such Infant, lunatick, maimed, aged, impotent or vagrant Person or Persons, to give sufficient Security to carry and transport such Infant, lunatick, maimed, aged, impotent or vagrant Person or Persons to the Place or Places from whence such Person or Persons were imported, or otherwise to indemnify the Inhabitants of this Province from any Charge that may come or be brought upon them by such Infant, lunatick, maimed, aged, impotent or vagrant Person or Persons coming into or living within this Province.

Importers of Persons likely to become chargeable, shall give Security to indemnify the Province.

PROVIDED ALWAYS, That if any Person or Persons shall apprehend him or themselves aggrieved with any such Order or Judgment of the Justice or Justices of the Peace or other Magistrates who shall make the same, the Person or Persons so aggrieved may appeal to the next Court of General Quarter-Sessions of the Peace, to be held for the City or County where such Order shall be made; whose Judgment then shall be final: But before such Appeal be allowed of, the Person or Persons appealing shall enter into a Recognizance with one good Security at least, to pay the Cost and Charges of such Appeal, in case the said Order shall happen to be confirmed.

Persons apprehending themselves aggrieved by the Judgment of Justices, may appeal to the Court of Quarter-Sessions.

A N D for the better Discovery of such Convicts, and poor and impotent or idle and vagrant Persons who shall hereafter be imported into or likely to become chargeable

Masters of Vessels, &c. to give an Account upon Oath of the Names of all Servants, &c.

to the Inhabitants of this Province, BE IT FURTHER ENACTED by the Authority aforesaid, That all Masters of Vessels, Merchants, and others, who shall hereafter bring into any Port or Place belonging to this Province, by Land or Water, any Men or Women Passengers or Servants, shall, within the Space of Forty-eight Hours after their Arrival into any Port or Place of this Province, make Entry and give or cause to be given, on Oath or Affirmation, to the Collector of the said Duty for the time being, a true and just Account of all the Names of the Servants and Passengers so imported or brought in ; which Account the said Collector shall duly enter, and shall forthwith give Notice thereof to the Mayor of *Philadelphia* for the time being, if such Servants, Passengers, &c. are designed to be landed at *Philadelphia*, or to any two or more of his Majesty's Justices of the Peace, or to the principal Magistrate for the Town or County where such Servants or Passengers shall be imported ; and the said Mayor or Justices as aforesaid are hereby empowered and enjoined immediately, by Warrant or otherwise to call before them the said Master, Merchant or other Person or Persons importing such Servant or Servants or Passengers as aforesaid, and to examine, upon Oath or Affirmation, the said Master, Merchant, and all other Persons who may be supposed to have any Knowledge of the Characters and Circumstances of such Servants or Passengers, and thereupon shall grant unto the Master, Merchant or Owner, or other Person having the Charge or Care of any Servant or Servants or Passengers so imported or brought into this Province, a Certificate containing the Names of all the Servants or Passengers which such Justices or other Magistrates aforesaid shall judge fit to be landed or disposed of as Servants and do not appear to them to have been formerly convicted of any of the Crimes mentioned in this Act, or such as do not appear to them to be such Infants, lunatick, maimed, aged, impotent or vagrant Persons as they shall judge likely to become chargeable to the Inhabitants of this Province : For which Examination, Permit and Certificate there shall be paid to the Mayor or Justices or Magistrates aforesaid, the Sum of *Nine Pence* per Head ; and to the Collector or his Deputy *Twelve Pence* per Head, one Half thereof to his own Use, for the Services enjoined him by this Act, and the other Half to be paid to the Trustees of the Province-Island for the time being, to be applied to repair the Buildings there, to provide Conveniences for the Reception of such sick Persons as shall be sent thither, and for such other Uses as by them shall be found necessary in the Discharge of

Justices may give a Certificate, containing the Names of such Servants, &c. as they judge fit to be landed.

Justices and Collector's Fees.

of their Trust; for which Sums of Money so to be received, the said Trustees shall duly account in like Manner as for other Money received in Pursuance of the Trust in them reposed. And there shall likewise be paid to the said Collector for each Bond he shall take in Pursuance of any thing required to be done by virtue of this Act, the Sum of *Two Shillings and Six-Pence*, and no more.

PROVIDED NEVERTHELESS, AND IT IS HEREBY FURTHER ENACTED, That if after such Examination taken, and Certificate granted as aforesaid, it shall be made appear that any of the Persons so landed or imported are Convicts, the Master, Merchant, or other Person who imported such Convict or Convicts, shall be liable to pay the same Duty, and give the same Security, as if no such Examination had been taken or Certificate granted, any thing in this Act contained to the contrary notwithstanding.

Duty to be paid, not withstanding the Certificate granted, if it afterward appears that any of the Persons imported are Convicts.

PROVIDED ALSO, That where the Master, Owner or Merchant shall pay the said Duties for any Passenger or Passengers, it shall and may be lawful for such Master, Owner or Merchant to recover the same of the said Passenger or Passengers, before any one Justice of the Peace in the respective County, City or Towns within this Province, in like Manner as Debts under *Forty Shillings* are recovered, together with Costs of Suit.

Masters, &c. paying the Duties for Passengers, may recover it again from them.

AND if any Servant or Servants, or Convict, or other Person, shall be imported or brought into and landed in any Port or Place within this Province, without making such Entry as aforesaid, in the Manner before directed, and paying the Duty, and giving the Security required by this Act, and within the Time limited by this Act for that Purpose, and obtaining such Certificate from the Mayor, or Justices, or principal Magistrate as aforesaid, every such Master, Merchant and other Person so importing, bringing in or landing such Servants or other Persons, shall forfeit and pay for each Servant or other Person so imported, brought in or landed contrary to the Direction of this Act, the Sum of *Ten Pounds*; one Half, after the Charges of Prosecution deducted, to the Governor for the Support of Government, and the other Half to the Collector or Collectors, or to such Person or Persons who shall sue for the same in any Court of Record in this Province, by Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

Penalty on Masters, &c. not complying with the Directions of this Act.

The Importation
of Servants, &c.
allowed by Laws
of England, not
hindered by this
Act.

PROVIDED ALWAYS, That this Act, nor any thing herein contained, shall extend or be construed to extend to hinder the Importation of such Servants or others who by any Acts of the Parliament of *Great Britain*, or that Part of *Great Britain* called *England*, now in Force, can or may be legally imported into this Province.

Persons obliged
to make Entry
shall apply to the
Collector.

Collector's Duty.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Persons obliged by this Act to make Entry as aforesaid, shall apply to *Joseph Pritchard*, of the City of *Philadelphia*, Gentleman, who shall be and is hereby appointed Collector of the said Duty imposed by this Act, without any Notice or Request made by him for their so doing. Upon which Application and Entry so made with the said Collector, or at any time before, it shall and may be lawful for the said Collector and his Deputies, and he or they are hereby enjoined and required to repair on board the Ship or Vessel in which such Passengers shall be imported, and to view their Condition in respect to Sickness or Health; and where he shall have just Cause to suspect any infectious Distemper is amongst them, if the same Vessel be in or near the City of *Philadelphia*, he shall forthwith apply himself to the Governor for the time being, or, in his Absence, and in all the other Counties within this Province, to any two Justices of the Peace of the said Counties respectively, and give Information thereof, who shall thereupon direct some Physician, at the Cost and Expence of the Master or Owner of the Vessel, to go on board such Vessel so suspected, and after View and Enquiry into the Premises, to make Report of the true State in which he shall find such Passengers: And where it shall at any time happen, sick and infectious Passengers are in any Vessel, they shall be removed by Directions from the Governor for the time being, or Justices aforesaid, unto Province-Island, there to remain until they shall be restored to Health, and the Danger of Spreading the Infection, by their means, removed.

His Power.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Collector or his Deputies to be by him duly constituted, and for whom he shall be accountable, may and shall (a Warrant being first obtained under the Hand and Seal of one of his Majesty's Justices of the Peace) enter on board any Ship, Sloop or Vessel whatsoever, lying or being within any Port or Place of this Province, or into any House, Store, or Place whatsoever,

ever, to search for and make Discovery of any such Convicts, Infants, Lunaticks, aged, maimed, impotent or vagrant Persons, landed or intended to be landed contrary to the Intent and Meaning of this Act: And if the said Master or Merchant, or their Servants or others, shall deny the said Officer or his Deputies, Entrance, or if he or any of them shall be any way obstructed or molested in making such Discovery as aforesaid, every such Person so offending shall forfeit and pay the Sum of *Twenty Pounds*, one Half thereof to the Governor, and the other Half to the Collector, or Informer. And the said Collector is hereby further empowered to receive, collect, demand and recover from all Persons importing, landing or bringing in any Servant or Servants, or other Persons into any Port or Place within this Province, all Forfeitures and Penalties herein before appointed to be set, imposed and levied by virtue of this Act.

Penalty on molesting the Collector in his Duty.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if the said *Joseph Pritchard* shall neglect or refuse, by himself or his sufficient Deputy or Deputies, to do, execute and perform the several Services by this Act enjoined him, he the said Officer shall forfeit and pay *Fifty Pounds*, the one Half thereof to the Trustees of the Province-Island aforesaid, for the Uses aforesaid, and the other Half to any one that will sue for the same, in the Court of Common-Pleas of the respective Counties, by Action of Debt, Bill, Complaint or Information.

Penalty on the Collector's Neglect or Refusal to perform his Office.

AND WHEREAS it has been the Practice for Masters of Vessels, Merchants, and others, Importers of Servants into this Province, to sell and dispose of such Servants as are infirm, or afflicted with secret and loathsome Diseases, and so otherwise disabled as to become useless and burthensome to the Purchasers, to the great Damage and Loss of the Purchasers themselves, and to the Province in general; For the Prevention whereof for the Future, IT IS HEREBY ENACTED AND DECLARED, That every Master, Merchant, or other Person, who shall import and sell or dispose of any Servant or Servants, who at the Time of such Sale were with Child, or afflicted with such secret or other Diseases as shall render them incapable of performing the ordinary and reasonable Duties of Servants, such Master, Merchant or other Person or Persons so disposing of or Selling such Servant or Servants, shall be liable to answer the Purchaser or Purchasers all Damages which he, she or they shall sustain by means of such Sale or Sales in an Action or

Masters, &c. selling Servants afflicted with secret Diseases, &c. liable to pay Damages.

Actions of the Cafe to be brought againſt ſuch Seller or Sellers, in any Court of Record within this Province, to be recovered with full Coſts of Suit.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, That one Act of General Aſſembly of this Province, entituled, *An Act for impoſing a Duty on Perſons convicted of heinous Crimes, and imported into this Province, &c.* and one other Act of General Aſſembly, entituled, *An Act for laying a Duty on Foreigners and Irish Servants, &c. imported into this Province;* and one other Act of General Aſſembly, entituled, *An Act impoſing a Duty on Perſons convicted of heinous Crimes, and to prevent poor and impotent Perſons being imported into the Province of Pennsylvania;* and one other Act of General Aſſembly, entituled, *A Supplement to the Act entituled, An Act for impoſing a Duty on Perſons convicted of heinous Crimes, and to prevent poor and impotent Perſons being imported into this Province,* be and are hereby repealed and made void.

Four former Acts repealed.

PROVIDED ALWAYS, That nothing herein contained ſhall extend, or be conſtrued to extend, to diſcharge any Sum of Money, or other Duty, payable by the aforeſaid four recited Acts of Aſſembly, or either of them; but that the aforeſaid Acts, as to the Recovery of any Sum or Sums of Money, Duty or Penalty, forfeited, become due or payable before the Publication of this Act, by virtue of or by Breach of the aforeſaid Acts, or either of them, do and ſhall continue and remain in full Force, until the ſaid Sums of Money, Duty or Forfeitures be effectually levied, recovered and received.

All Sales or Assignments of Servants in Philadelphia, to be before the Mayor, &c.

Who is to keep a Register, &c.

AND WHEREAS by a Law of this Province for the better Regulation of Servants, it is provided that no Servant ſhall be aſſigned over to any Perſon but in Preſence of one Juſtice of the Peace; **BE IT FURTHER ENACTED** by the Authority aforeſaid, That all Sales or Assignments of Servants, within the City of *Philadelphia*, ſhall be made before the Mayor of the ſaid City for the time being, or in caſe of his Neglect or Abſence then before the Recorder of the ſaid City, and before no other Perſon or Perſons whatſoever, under the Penalty of *Ten Pounds*, to be levied as in the ſaid Act is directed. And the ſaid Mayor and Recorder ſhall and are hereby enjoined to keep a Register or Registers of the Names of ſuch Servants, and by whom and to whom aſſigned, and the Term of Years mentioned

tioned in the Indenture, with the Date or Time of Assignment. And the said Mayor shall, at his going out of his Mayoralty, deliver the Register or Registers aforesaid to his Successor, to be carefully kept and preserved, to the End that all Persons concerned may readily have Access to the same.

C H A P. CCCL.

*An A C T for the more easy and speedy
Recovery of small Debts.*

WHEREAS it is found by Experience, that a Preamble.
great Number of the Law-Suits which are commenced in this Province, are brought against the poorer Sort of People, for small Sums of Money, who are unable to bear the Expences arising by the common Method of Prosecution; THEREFORE, for Remedying thereof, BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; with the King's Royal Approbation Lieutenant Governor under the Honourable John Penn, Thomas Penn and Richard Penn, Esqrs, true and absolute Proprietors of the Province of Pennsylvania, and of the Counties of New-Castle, Kent and Suffex on Delaware, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That all Actions for Debt or other Demand, for the Value of Forty Shillings and upwards, and not exceeding Five Pounds (except such Actions as are herein after excepted) shall, immediately after the Publication of this Act, be and are hereby made cognizable before any Justice of the Peace, of any of the Counties in this Province, in the County in which the Defendant shall be or reside. And the said Justices are hereby respectively impowered and required, upon Complaint to either of them made, for any such Debt or Demand, to issue a Warrant in the nature of a Summons or Capias, as the Case may require, directed to the Constable of the Township or District where the Defendant dwells or can be found, commanding him to bring or cause such Defendant to appear before him, at the Time and in the Manner following, *That is to say*, in Cases where such Process shall be in the nature of a Capias, forthwith after the Service thereof; but where a

Actions for Debt not exceeding £ l. cognizable before any one Justice, &c.

Sum-

Summons shall be issued, then on some certain Day therein to be expressed, not less than five, nor exceeding eight Days from the Date of such Process; and at the Time appointed for the Hearing of any such Cause, the said Justice himself, or, at the Request of the Parties, by Auditors or Referrees to that Purpose by him appointed and approved of by the said Parties, shall proceed to hear and examine the Proofs and Allegations of the Plaintiff and Defendants; and upon the Return of such Auditors, or otherwise, to give his Judgment thereupon, as the true Merits and Right of the Cause shall appear to him, with such Costs only as by the Laws of this Province are allowed in Debts under *Forty Shillings*.

Process against a
Freeholder to be
by Summons, &c.

PROVIDED ALWAYS, That the Process against a Freeholder shall be by Summons only, and Service shall be made thereof on the Person, or a Copy thereof left at the House of the Defendant, in the Presence of one or more of his Family or Neighbours, at least four Days before the Time appointed for a Hearing: And in case the Defendant does not appear at the Time appointed, then on Oath or Affirmation made by the Constable that the said Summons was duly served in Manner aforesaid, the Justice who granted the same Summons may, either then, or on such further Day as he shall deem consistent with Reason and the nature of the Case to appoint, and not otherwise, proceed to hear and determine such Cause or Causes in the Defendant's Absence, and give Judgment and award Execution thereupon as if the Defendant had been personally present.

After Judgment,
Execution to be
granted, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That after Judgment given in any of the Cases aforesaid, the Justice who pronounced the same shall grant Execution thereupon, directed to the Constable aforesaid, commanding him to levy the Debt or Damages and Costs, of the Defendant's Goods and Chattels (who by virtue thereof shall, within the Space of ten Days next following, expose the same to Sale by publick Vendue, returning the Overplus if any be, to the Defendant) and for Want of sufficient Distress, to take the Body of such Defendant into Custody, and him or her to carry and convey to the common Goal of the County; and the Sheriff or Keeper of such Goal is hereby required to receive the Person or Persons so taken in Execution, and him, her or them safely to keep until the Sum recovered, with Costs, be fully paid, and in Default of such safe Keeping to be liable to answer the Damages to the Party grieved in such Manner as by Law

is provided in case of Escapes. But in case no Assets belonging to the Defendant, sufficient to pay the Debt and Costs, can be found, it shall and may be lawful for the Plaintiff to apply to the Justice who pronounced the Judgment for a Transcript thereof, and on filing the same in the Prothonotary's-Office of the Court of Common-Pleas in that County in which the Recovery shall be had, it shall and may be lawful for the Plaintiff to levy the Sum recovered, with Costs of Suit, on the Lands and Tenements of the Defendant, either by *Fieri facias*, *Venditioni exponas*, or Extent, as the Case may require, in like Manner as by Law is provided in other Cases.

In case no Assets can be found, the Sum recovered may be levied on Lands, &c.

PROVIDED ALWAYS, That no such Execution shall be issued against any Freeholder in less than the Space of three Months next after the Entry of such Judgment, unless the Plaintiff, or somebody for him or her, shall on Oath or Affirmation declare that he or she hath good Reason to believe, that the Debt will by such Delay be lost, for that at the End of the said Term or before it (he or she believes) the Defendant will not have sufficient Assets in the County on which the said Debt may be levied: And if any Judgment to be given as aforesaid, shall be against a Person not a Freeholder, such Person shall have the Execution against him or her, respited for like Term of Three Months, on his or her entering into Recognizance to the Plaintiff, with one sufficient Security, in the nature of special Bail, on Condition to deliver the Body of the Defendant to the Sheriff of the County, at the Expiration of the Time so to be allowed, or that the Condemnation-Money shall then be paid; and in Default of giving such Security, shall be committed to the common Goal of the County, there to remain until the Debt and Costs shall be paid, or such Defendant otherwise legally discharged.

No Execution to be issued against a Freeholder, in less than three Months, unless, &c.

PROVIDED ALSO, That where the Plaintiff in any Case shall become Nonsuit, or Judgment shall pass against him, then the Justice is hereby required to assess the Defendant his reasonable Costs, to be levied in Manner aforesaid.

PROVIDED ALSO, That it shall and may be lawful for the Justices of the respective Courts of Common-Pleas to give such Relief to any insolvent Debtor or Debtors, prosecuted in Pursuance of this Act, as they might have done by the Laws now in Force in case this Act had not been made.

Insolvent Debtors may be relieved, as before.

Persons conceiv-
ing themselves
aggrieved may
appeal, &c.

PROVIDED ALSO, That if any Person or Persons shall conceive him, her or themselves aggrieved by any such Judgment so to be given (Cases determined on the Return of Auditors or Referrees, as aforesaid, only excepted) it shall and may be lawful for such Person or Persons, at any Time within the Space of six Days next following the giving of such Judgment, but not after, to appeal therefrom to the next Court of Common-Pleas to be holden for the County in which such Suit shall be commenced, he, she or they first entering into Recognizance, with at least one sufficient Security, at least in double Value of the Debt or Damages sued for, and sufficient to answer all Costs to prosecute the said Appeal with Effect, and to abide the Order of the said Court, or in Default thereof to be sent by Mittimus to the Sheriff of the County, by him to be kept until he, she or they shall give such Security, or be otherwise legally discharged.

Justices to make
fair Entries in
Books, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the said Justices shall cause fair Entries to be made, in Books by them to be provided for that Purpose, of the Name of the Plaintiff and Defendant, in all such Cases as may come before them, with the Debt and Costs adjudged, and the Time when the same Judgment was given: And upon any Appeal made from any such Judgment, the Justice who pronounced the same shall send a Transcript thereof to the Prothonotary of the Court of Common-Pleas of the County in which such Appeal is made, on or before the first Day of the Term next following any such Appeal: For which Transcript, or any other obtained by virtue of this Act, the Justice shall be allowed in the Costs to be taxed *Eighteen Pence*, and no more.

Method of Pro-
ceeding in Court
upon Appeal.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That at the Court to which any such Appeal shall be made, the Person so appealing shall cause an Entry of his Suit to be made by the Prothonotary of such Court, and shall either have his Appearance entered or give Bail to the Action, as the nature of the Case may require, or on Neglect thereof, and Application of the Appellee to the Court for that End, the Appellant's Default shall be recorded, the first Judgment affirmed, with reasonable Costs, and Execution shall be issued out of the said Court against the Defendant's Body, Goods or Chattels, as is usual in other Cases: And in case the Defendant shall appeal or give Bail as aforesaid, the Plaintiff or Defendant in the Appeal (as the Case may require) shall file his or her Declaration,

tion, and the adverse Party plead to issue, in such Time as shall be directed by the Court, so always that the Cause be tried by a Jury of the Country, in the usual Manner, either the Court to which such Appeal is made, or the next Term at farthest (unless the Court, on Cause to them shewn, shall think fit to give the Parties a farther Day) and as the Verdict shall be rendered in any of the said Causes, the Court shall give Judgment thereupon, as the nature of the Case may require, with Costs of Suit.

PROVIDED ALWAYS, That if the Parties Appellant and Appellee shall neglect or refuse to file his or her Declaration, or to plead to issue in such Time as shall be directed by the Court, a Nonsuit, or Judgment by Default, may be entred for Want thereof as usual.

PROVIDED ALSO, That the Costs to be taxed in any such Suit, to the several Officers, and others concerned, for the Services by them respectively to be done, shall be two third Parts only of the Costs now usually taken in the said Courts of Common-Pleas.

PROVIDED ALSO, That none of the Justices, who by vertue of this Act shall hear and determine any of Causes aforesaid out of Court, shall afterwards sit on the Hearing and Determining the same Cause on an Appeal made to any of the Courts of Common-Pleas aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whosoever shall commence, sue or prosecute any Suit or Suits for any Debts or Demands, made cognizable as aforesaid, in other Manner than is directed by this Act, and shall obtain a Verdict or Judgment therein for Debt or Damages, which, without Costs of Suit, shall not amount to more than *Five Pounds* (not having caused an Oath or Affirmation to be made before the obtaining of the Writ of Summons or Capias, and filed the same in the Prothonotary's-Office respectively, that he, she or they so making Oath or Affirmation did truly believe the Debt due or Damage sustained exceeded the Sum of *Five Pounds*) he, she or they so prosecuting shall not recover any Costs in such Suit; any Law, Usage or Custom to the contrary notwithstanding.

Penalty on commencing Suits made cognizable by this Act, in any other Manner.

PROVIDED ALSO, That this Act, nor any thing herein contained, shall be deemed, construed or understood to extend to Actions of Debt for Rent, Debt upon Bonds for Performance of Covenants, to Actions of Covenant, to Actions of Replevin, or upon any real Contract; nor to Actions of Trespafs on the Case for Trover and Conversion, or Slander; nor to Actions of Trespafs for Assault and Battery, or Imprisonment; nor to such Actions where the Title of Lands shall anywise come in Question.

PROVIDED ALSO, That this Act shall continue in Force for the Space of *Three* Years, and from thence to the End of the next Sessions of Assembly, and no longer.

C H A P. CCCLI.

An ACT for continuing and amending the Act of Assembly, entituled, A Supplement to the Act for electing Members of Assembly, &c.

Preamble.

WHEREAS notwithstanding the just and impartial Method prescribed for Electing of Members of Assembly by the Charter of Privileges, granted by the Honourable WILLIAM PENN, Esq; late Proprietor and Governor in chief of the Province of *Pennsylvania*, and Counties of *New-Castle*, *Kent* and *Sussex* upon *Delaware*; to the Inhabitants thereof, and of the several Acts of General Assembly of the said Province, made in Pursuance of the said Charter, for the more free, impartial and peaceable Election of Members to serve in the General Assembly of the said Province, and of Sheriffs, Coroners, Commissioners, Assessors, and of Inspectors to assist in the said Election; it was nevertheless found upon Experience, that the Method formerly prescribed by the Laws of this Province for chusing Inspectors to assist the Sheriff, and for receiving the Poll or Votes at the said Elections, did not answer the good Purposes for which it was intended; but great Numbers of disorderly Persons, many of whom not being qualified to vote for Members of Assembly, &c. mixed themselves among the Electors at the Time of chusing Inspectors, and by their rude and disorderly Behaviour disturbed the Electors, and created Strifes and Quarrels, to the great Danger and Disquiet of
the

the peaceable People there met together, and in Delay of the said Election.

AND WHEREAS it often happened, that the said Inspectors were chosen most or all of them out of one Part of the County, and by reason thereof could not be so well acquainted with the Estates and Circumstances of all the Electors, which was the principal End of their first Appointment.

FOR remedying of which Inconveniencies, an Act of General Assembly of this Province was pass'd in the Twelfth Year of the present Reign, entituled, *A Supplement to the Act for electing Members of Assembly*; which Act, with some Amendments, is thought necessary to be continued: THEREFORE BE IT ENACTED by the Honourable GEORGE THOMAS, Esq; with the King's Approbation Lieutenant Governor, under the Honourable John Penn, Thomas Penn and Richard Penn, Esqrs; true and absolute Proprietors of the Province of Pennsylvania, and the Counties of New-Castle, Kent and Suffex upon Delaware, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the Eight several Districts into which the several Counties within this Province have been divided by the Justices of the said Counties, in Pursuance of the Act of Assembly aforesaid, shall and do remain, and they are hereby declared to be and remain firm, stable and unalterable during the Continuance of this Act, except in such Cases as are herein after provided, for the Purposes herein after mentioned: And that if any new Township, since the Passing of the Act aforesaid, hath been or during the Continuance of this Act shall be erected out of several Districts within any of the said Counties, that it shall and may be lawful for the Justices aforesaid, respectively, at their Quarter-Sessions of the Peace, next after the Publication of this Act, and at the Quarter-Sessions of the Peace next following the Erecting such Townships, during the Continuance of this Act, and they are hereby enjoined and required to annex such Township or Townships to the District or Districts out of which the greatest Part of the said Townships respectively were taken, and to deliver to the Sheriff of the respective Counties an Account to what District the same Township or Townships are annexed, with the Names of all the new-erected Townships; all which the said Sheriff shall make known to the respective

The 8 Districts into which the Counties have been divided are to continue, &c.

Constables of the said Townships with all Expedition, thereby to enable them to discharge their several Trusts, in Pursuance of the Directions of this Act.

AND BE IT FURTHER ENACTED

Freeholders to meet in each Township, and nominate, &c.

by the Authority aforesaid, That the Freeholders and others qualified to elect Members of Assembly in each Township, shall meet on the *Twenty-fifth Day of September*, yearly, but if the same shall happen upon a first Day of the Week, then upon the next Day following, at some convenient Place within their said respective Townships to be appointed by the Constable of the said Township, or in case of his Absence, Neglect or Refusal, then at such convenient Place within such Township as the Overseers of the Poor shall appoint; and the said Electors being qualified to vote for Members of Assembly, shall, between the Hours of Nine in the Forenoon and Three in the Afternoon the same Day, during all which Time the Election shall continue, in the Presence of the Constable, and such two Freeholders as he shall call to his Assistance, or in his Absence, &c. the Overseer of the Poor, proceed to elect by Balloting one able and discreet Freeholder, residing within the said Township, who may be supposed to be best acquainted with the Estates and Circumstances of the Inhabitants. The Name of which Person so nominated and chosen is to be taken down in Writing by the Constable or Overseer of the Poor, as the Case shall happen, with the Name of the Township for which he is chosen, and shall be delivered to the Sheriff of the County, at the Place of Election, or to such Person or Persons as shall happen to be Judges of the Election, before the Hour of Nine in the Forenoon of the Day whereupon the Election of Members of Assembly shall happen, and the Sheriff, or other Judge of the Election, having then and there received the Names of all the Persons chosen for the respective Townships within his County, or so many of them as shall be delivered to him in Manner aforesaid, he shall call to his Assistance at least four Freeholders of the County, and in their Presence shall put all the Names of the Persons returned for each District into a separate Box to be provided by him for that Purpose, and shall likewise, in the Presence of the said Freeholders, call some indifferent Person, who shall draw one Name out of each Box and deliver the same to the Sheriff, or other Judge of the Election; which being done, the Persons whose Names shall happen to be drawn, and being present, shall, for that Year, be the Inspectors of the Election, and as such shall be published by the Sheriff,

The Name of the Person nominated to be given to the Sheriff, &c.

in the Prefence of the Electors, or so many of them as shall be present.

AND BE IT ENACTED by the Authority aforesaid, That it shall and may be lawful for the Inhabitants of the respective Wards of the City of *Philadelphia*, qualified to vote for Members of Assembly, to meet together at the Time herein before mentioned for the Meeting of the Inhabitants of the respective Townships in this Province, and at some convenient Place within their respective Wards, to be appointed by the Constable of the Ward to which he belongs, of which publick Notice shall be given in Writing, &c. by affixing the same upon the Court-house Door in *Philadelphia*, at least six Days before the said *Twenty-fifth Day of September*, and there shall, in the Prefence of the Constable of the Ward, and such two Freeholders of the said Ward as he shall call to his Assistance, proceed to chuse by Balloting one substantial Freeholder of Ability and Integrity, residing within the said Ward; whose Name, when so chosen, shall be taken in Writing and certified by the Constable and Freeholders aforesaid to the Sheriff of the County, or other Judge of the said Election, in the Manner before directed for the Constables of Townships. And the Sheriff shall put the Names of all the Persons so to him returned into a Box, and shall call some indifferent Person, who shall draw four of the said Names out of the said Box, and deliver the same to the Sheriff, who shall read the same publickly in the Prefence of the Electors then present: And the four Persons whose Names shall so happen to be drawn, shall, together with the Inspectors chosen out of the several Districts of the said County, be the Inspectors for that Year for the Election, and as such shall be qualified in the Manner before directed for other Inspectors. And the other six Persons, whose Names shall remain in the Box, shall be the Inspectors for that Year at the Election of Burgesses and Assessors for the City of *Philadelphia*, and shall be qualified in Manner aforesaid.

Inhabitants of each Ward in *Philadelphia*, to meet. &c.

BUT before they proceed to act in Assisting the Sheriff to receive the Poll or Votes of the said Electors, they shall be qualified, by Oath or Affirmation, by the Sheriff of the proper County, or other Judges of the Elections, who are hereby required and impowered to administer the same; That they the said Inspectors will duly attend the ensuing Election, during the Continuance thereof, and will truly and faithfully assist the Sheriff, Coroners, or other Judges of the

Inspectors to be qualified, &c.

the said Election, to prevent all Frauds and Deceits whatsoever of Electors or others in carrying on the same, and in causing the Poll or Votes at such Election to be taken and cast up according to the Direction of the before-recited Act.

Inspectors may
qualify Electors,
&c.

A N D the said Inspectors shall and are hereby authorized to administer to every Elector or Person who presents his Ticket, an Oath or Affirmation in the Words directed by the aforesaid Act of Assembly, unless the Qualification of such Elector be generally well known, or some one or more of the said Inspectors shall and will openly declare to the Rest, that they know such Elector to be qualified as in the aforesaid Act of Assembly is required; And the Votes or Tickets of such as offer to poll and refuse to take the said Oath or Affirmation, shall be openly rejected, and the Votes or Tickets of every Person who takes the said Oath or Affirmation shall, with the other lawful Tickets or Votes, be put into the Box, and no Ticket so received shall be suppress'd.

Constables to
give publick No-
tice, &c.

A N D to the End this Act may be duly executed, and the Peace preserved; **BE IT THEREFORE ENACTED** by the Authority aforesaid, That the Constables of the respective Townships within the several Counties of this Province, or in case of the Death, Neglect or Absence of the said Constables, then the Overseers of the Poor of such Township, or one of them, shall, at least six Days before the said 25th Day of *September*, in every Year, give publick Notice, in Writing, by affixing the same at the most publick Places in the respective Townships, of the Place where the Inhabitants of the Township in which they live shall meet to elect a fit Person, according to the Direction of this Act; and that the said Constable, or, in his Absence, the Overseer of the Poor as aforesaid, shall there attend at the Time appointed in this Act; and such Constable or Overseer of the Poor shall call to his Assistance two substantial Freeholders of the said Township, being there present, who shall assist him in Judging of the said Election, and in taking the Votes, and who, together with himself, shall certify to the Sheriff of County, or other Judge of the Election, under their Hands, that such Person was elected by a Majority of lawful Votes, by the Township to which he belongs; the Name of which Person so elected as aforesaid shall be delivered to the Sheriff, &c. of the County to which they belong, in the Manner herein before directed.

A N D

AND if any Constable or Overseer of the Poor, being the Judge of such Election as aforesaid, shall neglect to do the Duty hereby enjoined him, or shall wilfully misbehave himself in the Execution of his Duty, and being thereof legally convict, or if any of the Persons so elected and returned for any Township within this Province, in the Manner before directed, shall neglect or refuse to give his Attendance at the Time and Place of Electing Members of Assembly, every such Person so offending in any of the Premises shall forfeit the Sum of *Five Pounds* to any Person who will sue for the same, to be recovered by Action of Debt, in any Court of Record within this Province, with Costs of Suit. And if the Person whose Name shall happen to be drawn being called shall not appear, then the Name of another Person belonging to the same District shall be drawn, and shall be qualified and proceed to officiate as an Inspector, in the Manner before directed in this Act for Inspectors.

Penalty on Constables, &c. neglecting the Duty required of them by this Act.

AND BE IT ENACTED by the Authority aforesaid, That an Act of Assembly of this Province, entitled, *A Supplementary Act to the Act for ascertaining the Number of Members of Assembly, and to regulate Elections*, pass'd in the *Thirteenth* Year of the Reign of King *George* the First, and every Article and Clause therein, shall be and is hereby repealed.

PROVIDED ALWAYS, That nothing herein contained shall be deemed or taken to alter or make void the said recited Act of General Assembly made in the Fourth Year of the Reign of the late Queen *Anne*, or any thing therein contained, but that every Clause, Article and Sentence therein, except what is hereby altered or supplied, shall be and remain in full Force and Virtue as the same was before the Making of this Act, or the aforesaid Supplementary Act hereby repealed.

THIS Act to continue for the Space of *Three Years*, and from thence to the End of the next Session of Assembly, and no longer.

C H A P. CCCLII.

An ACT for vesting the Province-Island, and the Buildings thereon erected, and to be erected, in Trustees, for providing an Hospital for such sick Passengers as shall be imported into this Province; and to prevent the Spreading of infectious Distempers.

Preamble.

WHEREAS by an Act of General Assembly of this Province, made in the Twelfth Year of the Reign of King *William* the Third, entituled, *An Act to prevent sickly Vessels coming into this Government*, it is among other Things enacted, That from and after the Publication thereof, no unhealthy or sickly Vessels, coming from any unhealthy or sickly Place whatsoever, shall come nearer than one Mile to any of the Towns or Ports of this Province or Territories, without Bills of Health, nor shall presume to bring to Shore such Vessels, nor to land such Passengers, or their Goods, at any the said Ports or Places, without first obtaining Licence for the same, in such Manner as by the said Act is directed. But no Place, until of late, having been provided for the Reception of sick and distemper'd Passengers, they have been heretofore clandestinely landed and lodged within the City of *Philadelphia* and elsewhere, by Means whereof infectious Distempers have spread within the Province, and the good Ends intended by the said Act in great Measure frustrated: For Remedying whereof and making Provision for the Reception of sick Passengers imported into this Province, by Directions from the Representatives of the Freemen of the Province, a Purchase was made of all that Island situate on the Southerly Side of the Mouth of *Schuylkill* River, in the County of *Philadelphia*, adjoining on *Delaware* River, heretofore known by the Name of *Fisher's-Island*, but hereafter to be called PROVINCE-ISLAND, containing about *Three Hundred and Forty-two* Acres of Land and Meadow, with certain Buildings thereon erected, and a Conveyance thereof taken from *Jonathan Paschal* and *Mary* his Wife, late *Mary Fisher*, *John Paschal* and *Henry Hodge*, Executors of the Testament and last Will of *John Fisher*, late Proprietor and Owner of the said Island (who were duly authorised to make Sale thereof) unto *Joseph Harvey*, *Thomas Tatnall*, *Joseph Trotter*, *James Morris*,
and

and *Oswald Peel*, Gentlemen; In Trust nevertheless and subject to such Uses as the Representatives of the Freemen of this Province, in Assembly, shall from time to time appoint; and under this further Trust and Confidence, that they the said Trustees, and the Survivors and Survivor of them, and the Heirs of such Survivor should convey the said Island and Appurtenances, and transfer their said Trust to such other Person or Persons, and for such Estate and Estates as the Representatives aforesaid, in Assembly, should direct and appoint. Now to the Intent that the said Island may be effectually secured to the Uses aforesaid, and that the Inconveniencies which might happen from the Importation of sick Passengers within the Province may for the future be prevented, BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esq; Lieutenant Governor, with the Royal Approbation, under the Honourable *John Penn*, *Thomas Penn* and *Richard Penn*, Esqrs, true and absolute Proprietors of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex* on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That the aforesaid *Trustees Names*, *Joseph Harvey*, *Thomas Tatnal*, *Joseph Trotter*, *James Morris* and *Oswald Peel*, and the Survivors and Survivor of them, do stand seized, and they are hereby declared and enacted to stand seized of the Province-Island aforesaid, and the Edifices and Buildings thereon erected and to be erected, with their and every of their Appurtenances, to hold the said Island, and all and singular the Premises to them the said *Joseph Harvey*, *Thomas Tatnal*, *Joseph Trotter*, *James Morris* and *Oswald Peel*, and the Survivors and Survivor of them, and the Heirs of such Survivor forever; in Trust nevertheless, and for the Uses, Intents and Purposes herein after specified, and to and for no other Use, Intent or Purpose whatsoever, *That is to say*, That they the said Trustees, and the Survivors and Survivor of them, do undertake and continue their Care and Management of the said Island, with the Appurtenances, and receive the Rents, Issues and Profits thereof, and duly to account for the same as herein after is directed, until such Time as the Representatives of the Freemen aforesaid, in Assembly, shall appoint others to succeed them in the said Trust: And on this further Trust and Confidence, that they the said Trustees, and the Survivors and Survivor of them, and the Heirs of such Survivor, do and shall permit and suffer such Person and Persons so hereafter from time to time to be appointed, to succeed them in the Trust

afore-

aforesaid to have the Care and Management of the said Island, and to receive and take the Rents, Issues and Profits thereof, to be accounted for and applied as herein after is directed.

Trustees impow-
ered to lease the
Island, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That it shall and may be lawful to and for the aforesaid *Joseph Harvey, Thomas Tatnal, Joseph Trotter, James Morris and Oswald Peel*, or the greater Number of them, during the Continuance of their Trust, and to and for such other Person and Persons as the Representatives of the Freemen aforesaid shall from time to time appoint in the Stead and Place of the said Trustees before named, to grant, bargain and lease the Island aforesaid, or any Part thereof, for such Term and Terms of Years, not exceeding Seven, as to them shall seem expedient; so always as such Tenant or Tenants to whom the same shall be so leased be obliged to keep the said Buildings thereon erected, Banks, Dams, Fences, and other the demised Premises, in Repair, during the respective Terms for which the same shall be demised, and reserving always full Liberty to place and continue thereon, in the Manner herein after directed, any such sickly Persons imported into this Province, as Occasion shall require, in Pursuance of this Act: And also reserving and excepting six Acres, Part of the said Island, adjoining to the River *Delaware*, most commodious for erecting a new Hospital or Pest-House.

Reserving Six
Acres.

PROVIDED ALWAYS, That nothing herein contained shall affect, vacate or make void the Contract made by the Trustees before-named with *Jacob Mellor*, but that the said Contract and Lease of the said Province-Island shall be and remain as firm, valid and effectual to all Intents, Instructions and Purposes as if this Act had not been made.

Trustees to ac-
count, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Trustees of the said Province-Island herein before named, and such others as shall at any time hereafter be appointed in their or any of their Steads, shall well and truly account with and pay to the Treasurer of this Province for the time being, all such Sum and Sums of Money as they or any of them already have received or at any time hereafter shall receive from the Island aforesaid; to be disposed of in such Manner and for such Uses as the Representatives of the Freemen aforesaid, in Assembly, shall from time to time direct and appoint. And if

if it shall at any Time or Times happen that the said Trustees, or any of them shall fail so to do, that then, and so often, and in every such Case, it shall and may be lawful for the Treasurer aforesaid to commence, prosecute and maintain an Action of Debt against such Delinquent or Delinquents, and to recover the Sum or Sums so to become due, in any Court of Record in the Province, with Costs of Suit.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That when any Lease or Leases shall at any time hereafter be made of the Province-Island aforesaid, or any Part or Parcel thereof, and the Rent reserved for the same, or any Part thereof, shall be in Arrear and unpaid, that then, and so often, and in every such Case, and in all other Cases wherein it shall be thought necessary, that they the before-named Trustees, and the Survivors and Survivor of them, and the Heirs, Executors and Administrators of such Survivor, shall permit and suffer all such Suit and Suits, Action or Actions to be commenced and prosecuted in his, her or their Name or Names, as the Representatives aforesaid, in Assembly, shall at any Time or Times hereafter direct or appoint : So always that they the said Trustees, and every of them, and their Heirs, Executors and Administrators, and every of them, be well and truly indemnified, saved and kept harmless of and from any Costs, Charges, Troubles or Molestations whatsoever, which may arise or happen for or by Reason of such Suit or Suits so to be commenced and prosecuted.

Trustees shall suffer Suits to be commenced in their Names when necessary.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That when and so often as Occasion shall require, it shall and may be lawful for the Lieutenant Governor, or Commander in chief, for the time being, or to and for any two Justices of the Peace of any of the Counties within this Province respectively, to order and direct all sick and infectious Persons, at any time hereafter imported into this Province, to be transported to the Province-Island aforesaid, there to remain in such Places as shall be provided for them by the Trustees aforesaid, until it shall be judged by the Physician attending them, that they are free from any infectious Distemper. Their Nursing, Physick, Maintenance and Necessaries to be paid for by the Importer, Master or Owner of the Vessel in which such sick and distempered Persons shall be imported ; to be repaid to them out of the Effects of the said Passengers, respectively, if any they have.

Governor, &c. may order imported infectious Persons to the Province-Island, &c.

Their Nursing, &c. to be paid for by the Importers.

A N D for the better securing the Payment of the several Sums of Money which shall become necessary to disburse in or about such sick and distempered Persons as shall be imported as aforesaid; **BE IT FURTHER ENACTED** by the Authority aforesaid, That it shall and may be lawful for any one of the Justices of the Peace aforesaid, on the Application of any one of the said Trustees, and they are hereby enjoined, as Occasion shall require, to send for the Masters or Owners of the Vessels in which such sick and distempered Persons shall, at any time hereafter, be imported, or the Importer of such sick Person or Persons, and oblige him, them, or some, or one them, to give Bond, in a competent Sum of Money, together with one or more sufficient Sureties, to them the said Trustees, with Condition to be underwritten, to find and provide proper Food, Nursing, Physick, and other Necessaries for the sick People aforesaid, or to pay for the same.

Upon Application of the Trustees, Importers of sick Persons shall be obliged to give Bond, &c.

And refusing may be committed to Prison.

A N D in case any Master or Importer shall refuse so to become bound, that then, and in every such Case, it shall and may be lawful for the said Justices, respectively, to commit the Offender to Prison, there to remain in close Custody, without Bail or Mainprize, until he or they shall conform to the Directions of this Act.

Trustees to keep fair Entries in a Book, of the Names, &c.

AND BE IT ENACTED by the Authority aforesaid, That the Trustees aforesaid shall keep or cause to be kept, in a Book to be provided for that Purpose, a fair Entry of the Names of every sick Person that shall be transported to the said Hospital or Pest-house, and also the Names of the Vessel, Master or Merchant who shall import them into this Province.

None to be discharged from the Hospital without a Certificate.

AND BE IT ENACTED by the Authority aforesaid, That after any such distempered Person hath recovered his or her Health as aforesaid, they, or any of them, shall not be discharged from the Hospital or Pest-house but by a Certificate under the Hands of two or more of the said Trustees, certifying, That the Bearer (mentioning his Name) having remained in the Hospital for his Health until they the said Trustees judged him clear of any infectious Distemper, they had discharged him from the said Hospital or Pest-house.

AND WHEREAS the Entertaining sick and distempered Persons brought into this Province, has been attended with

with fatal Consequences, BE IT ENACTED by the Authority aforesaid, That no House-keeper, or other Inhabitant of this Province, shall receive into his or their Houses or Out-Houses, or entertain any Person or Persons whatsoever, knowingly, that have been ordered by the Governor for the time being, or by any two Justices of the Peace of any of the Counties within this Province respectively, to be transported to the Hospital or Pest-house, pursuant to the Direction of this Act, unless such Person hath been discharged from the said Hospital or Pest-house, and hath received from the Trustees, or any two of them as aforesaid, a Certificate, certifying, that the said Person or Persons is or are discharged from the said Hospital as aforesaid, on Penalty of paying the Sum of *Ten Pounds*, for every Offence, and also of maintaining and providing for the said sick distempered Person during his, her or their Sicknes; and, in case of Death, burying them at their own Expence. Which said Sum of *Ten Pounds* is hereby ordered to be paid to the Overseers of the Poor of the Township where such Delinquent may reside, for the Relief of the Poor of such Township; and to be recovered by the said Overseers, of the Person so offending, by a Warrant from any Magistrate, in the same Manner as Debts under *Forty Shillings* are recovered.

Penalty on entertaining Persons who have been ordered to the Pest-house, &c.

AND in case the Person harbouring or entertaining such sick and distempered Person shall be poor, or alledge he or she is not of Ability to pay the said Fine of *Ten Pounds*, such indigent Person shall be confined to the Work-House or Prison for any time not exceeding one Month, as the Magistrate or Magistrates of the respective County may direct.

C H A P. CCCLIII.

An ACT for the more easy Recovery of Legacies within this Province.

FORASMUCH as the Laws of this Province, relating to the Recovery of Legacies, are defective: Therefore, for Remedying thereof, BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esq; with the King's Royal Approbation Lieutenant Governor, under the Honourable *John Penn*, *Thomas Penn* and *Richard Penn*, Esqrs; true and absolute Proprietors of the Province of *Pennsylvania*, and of the Counties of *New-Castle*, *Kent* and *Sussex* upon

Legatees may
sue for their Le-
gacies.

upon *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, it shall and may be lawful for any Person or Persons to whom any Legacy or Bequest of any Sum or Sums of Money, or other Goods or Chattels, have been or may be made by the last Will and Testament of any other Person or Persons legally made, to commence, sue and prosecute an Action of Debt, Detinue or Accompt-render, as the Case may require, for such Legacy after it becomes due, in any of the County Courts for holding of Pleas, in any of the Counties within this Province. And if it shall appear that the Legacy or Legacies is or are due, and there be sufficient Assets in the Hands of the Executors or Administrators with Testaments annexed, to discharge the just Debts of the Testator, and the Legacy or Legacies bequeathed, the Plaintiff or Plaintiffs shall recover, with Costs of Suit; any Law, Usage or Custom to the contrary notwithstanding.

If there be not
Assets enough,
Abatement shall
be made.

PROVIDED ALWAYS, That where it shall so happen that there are Assets in the Hands of any Executors, or Administrators with Testaments annexed, to discharge all the Debts of the Testator, with an Overplus not sufficient to discharge all the Legacies which may be given, then an Abatement shall be made, in Proportion to the Legacies so given; unless it shall otherwise be provided by the Will. And where any Legatee or Legatees are or may be under Age at the Time when such Legacy or Legacies shall become due, in such Case such Legatee or Legatees shall and may maintain an Action for their respective Legacies, by Guardian or next Friends, as fully, amply and largely as by Law they may do in any other Actions whatsoever.

Legatee being
under Age, may
sue by Guardian,
&c.

AND BE IT FURTHER ENACTED

Upon Plea of
Want of Assets,
Auditors shall be
appointed.

by the Authority aforesaid, That the respective Courts where the said Actions shall be commenced, upon the Plea of the Want of Assets to pay all the Debts and Legacies, shall appoint Auditors to examine the Accounts of the Executors, and Administrators with Testaments annexed; who, after full Hearing of the Parties, at such Times and Places as by them the said Auditors shall be appointed, with Notice to the Parties, shall report how the Accompts of the Executors or Administrators do stand, what Assets will remain after Payment of all the Debts, and what Part of the Remainder is the Proportion that ought to go towards paying of the Plain-

Plaintiff's Legacies. For which Proportion only, unless it shall be otherwise provided by the Will, the Court shall then award Execution upon the Judgment to be had in the said Suit : Which Judgment shall remain a Security for the Payment of the Remainder of the said Legacies and Costs, when sufficient Assets for the Payment thereof come to the Executors or Administrators Hands. And where any Exceptions shall be taken by either of the Parties to the Report of the Auditors, it shall and may be lawful for the Court in which the Action shall be depending, on hearing of the Parties, to correct and amend any Mistakes or Errors which may happen in the Accounts so to be reported.

PROVIDED ALWAYS, That no such Suit shall be maintained for any such Legacy until reasonable Demand made of the Executor or Executors, or Administrators with Wills annexed, who ought to pay the same, and an Offer made of two sufficient Sureties to the said Executor or Executors, Administrator or Administrators aforesaid ; who, if they think proper to accept thereof, shall become bound to them the said Executor or Executors, Administrator or Administrators aforesaid, in double the Sum of the Legacy given, with Condition underwritten, that if any Part or the Whole thereof shall at any time after appear to be wanting to discharge any Debt or Debts, Legacy or Legacies which the said Executor or Executors, Administrator or Administrators shall not have other Assets to pay, that then he the said Legatee will return his said Legacy, or such Part thereof as shall be necessary for the Payment of the said Debts, or the Payment of a proportional Part of the said Legacies. And if the said Executors or Administrators shall not think proper to accept of such Bond, then the said Legatees shall file the same with the Clerk of the Court, before obtaining any Process against the Executor or Executors, Administrator or Administrators ; otherwise, and in Default thereof, the Process issued shall abate.

No Suit to be maintained until reasonable Demand made, &c.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the Justices of the Courts aforesaid, respectively, upon Consideration of the Report of the Accompts of the Executors or Administrators shall, according to Justice and Equity, either award no Costs, or Costs out of the Testator's Estate ; or in case the Executors or Administrators have been faulty in delaying to pay the Legacy demanded, or a proportional Part thereof, without sufficient Excuse, then out of the proper Estate of the

Court may award Costs, or no Costs, &c.

the Executor or Executors, Administrator or Administrators; any thing herein contained to the contrary notwithstanding.

Each Legatee to return proportionally.

PROVIDED ALSO, That where there are or may be several Legatees, and a Return of Part of the said Legacy sued for appear necessary, in such Case each Legatee shall only be compelled to return a proportional Part of his Legacy, so as to make up the whole Sum wanting.

Where no time is limited, Executors, &c. to have a Year.

PROVIDED ALSO, That where no Time in and by any Last Will and Testament is limited for the Payment of any such Legacies, that then and in such Case the said Executors or Administrators shall have the Space of one Year to discharge the same.

Limitation of this Act.

AND BE IT ENACTED by the Authority aforesaid, That this Act shall continue in Force for the Term of *Seven* Years, and from thence to the End of the next Session of Assembly, and no longer.

C H A P. CCCLIV.

An ACT for naturalizing such foreign Protestants as are settled or shall settle within this Province, who, not being of the People called Quakers, do conscientiously refuse the Taking of any Oath.

Preamble.

WHEREAS by an Act of Parliament, pass'd in the Thirteenth Year of the Reign of our present Sovereign King *GEORGE* the Second, entituled, *An Act for naturalizing such foreign Protestants and others therein mentioned as are settled or shall settle in any of his Majesty's Colonies in America*, it is, amongst other Things, provided and enacted, that from and after the first Day of *June*, in the Year of our LORD 1740, all Persons born out of the Ligeance of His Majesty, his Heirs or Successors, who have inhabited and resided, or shall inhabit and reside for the Space of *Seven* Years, or more, in any of his Majesty's Colonies in *America*, and shall not have been absent out of some of the said Colonies for a longer Space than two Months, at any one Time during the said *Seven* Years, and shall take and subscribe the Oaths, and make, repeat and subscribe the

De-

Declaration appointed by an Act made in the first Year of the Reign of his late Majesty King George the First, entitled, *An Act for the further Security of his Majesty's Person and Government*, &c. or being of the People called *Quakers* shall make and subscribe the Declaration of Fidelity, and take and affirm the Effect of the Abjuration-Oath appointed and prescribed by an Act made in the Eighth Year of his said late Majesty, entitled, *An Act for granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under*, and also make and subscribe the Profession of his Christian Belief, appointed and prescribed by an Act made in the first Year of the Reign of their late Majesties King William and Queen Mary, entitled, *An Act for exempting their Majesties Protestant Subjects from the Penalties of certain Laws*; before the chief Judge, or other Judge of the Colony, wherein such Persons respectively have so inhabited and resided, or shall so inhabit and reside, shall be deemed, adjudged and taken to be his Majesty's natural-born Subjects, to all Intents, Constructions and Purposes; as in and by the said Act, among other Things, fully appears.

AND WHEREAS by an Act of Assembly of this Province, made in the Fourth Year of the Reign of the said late King George the First, and approved of by the Lords Justices, in Council, entitled, *An Act for the Advancement of Justice*, &c. it was, among other Things, enacted, That the Affirmation of such Persons (whether of the People called *Quakers*, or others) as conscientiously refuse to take an Oath, shall be accounted and deemed in the Law to have the full Effect of an Oath, in any Case whatsoever in this Province.

AND WHEREAS divers Persons born out of the Ligeance of our said present Sovereign King GEORGE the Second, from the Lenity of our Government, the Benefit of our Laws, the Advantages of our Trade, and the Security of our Property, have been induced to settle within this Colony, and altho' otherwise qualified according to the Tenour of the Act of Parliament aforesaid, are not of the People called *Quakers*, and do conscientiously refuse to take any Oath, and are thereby disabled from Partaking of the Benefit *British* Subjects in this Colony enjoy, and by the Act of Parliament aforesaid is intended; THEREFORE, for Removing of these Difficulties and those of others who may hereafter come amongst us in like Circumstances,

B F.

BE IT ENACTED by the Honourable *GEORGE THOMAS*, Esq; with the King's Approbation, Lieutenant Governor, under the Honourable *John Penn, Thomas Penn* and *Richard Penn*, Esqrs, true and absolute Proprietors of the Province of *Pennsylvania*, and of the Counties of *New-Castle, Kent* and *Sussex* on *Delaware*, by and with the Advice and Consent of the Representatives of the Freemen of the said Province, in General Assembly met, and by the Authority of the same, That from and after the Publication of this Act, all Persons, being Protestants, born out of the Ligeance of our present Sovereign King *GEORGE* the Second, his Heirs or Successors, who shall conscientiously refuse an Oath, and have inhabited and resided, or shall inhabit and reside for the Space of *Seven* Years, or more, within this Province, and shall not have been absent out of the same or some other of the Colonies, in the said Act of Parliament mentioned, for a longer Space than two Months, at any one Time during the said *Seven* Years, and shall make and subscribe the Declaration of Fidelity, and the Profession of his Christian Belief, and take and affirm the Effect of the Abjuration Oath, before the chief Judge, or other Judge of the Supream Court of this Province, in such Sort, Manner and Form as in and by the said Act of Parliament is directed to be done and performed by the People called *Quakers*, shall be deemed, adjudged and taken to be the King's natural-born Subjects of this Province, to all Intents, Constructions and Purposes, as if they and every of them had been or were born within this Province: Which said Affirmations the said chief Judge or other Judge aforesaid is hereby enabled, impowered and required to administer and take. And when administered and taken, an Entry thereof shall be made in the said Court and in the Secretary's-Office, and the Names of the Persons transmitted to the Commissioners for Trade and Plantations, yearly, in like Manner, as by the Act of Parliament herein before-recited is directed. And for administering the said Affirmations, and making Entries thereof, the Judges and Secretary aforesaid, respectively, shall be entituled to the like Fees and be under like Penalties as in and by the said Act of Parliament is directed and inflicted.

A N
APPENDIX;
CONTAINING A
SUMMARY
OF SUCH

ACTS of ASSEMBLY

As have been formerly in Force
within this Province,

For Regulating of Descents,
And Transferring the Property of
Lands, &c.

But since expired, altered or repealed.



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ADVERTISEMENT

T O T H E

R E A D E R.

R E A D E R,

THE following Appendix contains a Collection of divers Acts of Assembly formerly in Force within this Province, but since altered, expired or repealed. The Necessity of preserving them in Print will be obvious to any one who will consider, that whatever is done by virtue of any Law whilst it was in Force, ought to remain valid, tho' the Law by which it was done after expires or be repealed.

Many Conveyances have been made by virtue of these Acts whilst they were in Force; and the Titles of the present Possessors of Lands depend on them: And no Person, however

ever

ever skilful, can form a right Judgment of the Validity of the Title to those Lands, without being first well informed how the Law stood at the Time when the several Deeds, of which such Title is composed, were executed: Hence the Necessity and Usefulness of preserving those Laws which have been made for regulating Descents and transferring the Property of Lands must be evident.

As to the ensuing Collection, the Reader may be assured it has been made with much Care and Difficulty; and it is hoped no such Mistakes will be form'd as to frustrate the good Purposes for which it is design'd.

A N

APPENDIX, &c.

In the CHARTER granted by King CHARLES the Second, to William Penn, Esq; late Proprietary and Governor of the Province of Pennsylvania, bearing Date the Fourth of March, in the 33d Year of his Reign, Anno 1681, it is, amongst other Things, provided in the Words following, viz.

AND our further Will and Pleasure is, That the Laws for regulating of Property, within the said Province, as well for the Descent of Lands, as likewise for the Enjoyment of Goods and Chattels, and likewise as to Felonies, shall be and continue the same as they shall be for the time being in our Kingdom of England, until the said Laws shall be alter'd by the said William Penn, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greater Part of them.

OBSERVATION.

ALTHO' it should be made a Question, whether the Statute Laws of England, by the Royal Charter, or otherwise, did or do extend to this Province; yet as the Common Law is generally allowed to be in force here in such Cases wherein no Alterations have been

made by Acts of Assembly: And as it appears to have been resolved in the Earl of Derby's Case, 4 Inst. 284, That Land granted by Letters Patents from the Crown, tho' out of the Realm of England, should descend according to the Course of the Common Law. It is clear, that from the Date of the Charter, until Acts of Assembly were made to alter the same, Lands, within this Province, descended according to the Course of Common Law.

Soon after the Grant made by the Royal Charter aforesaid, an Assembly of the said Province, and Three Lower Counties (then called the Territories) was called by the Proprietary and Governor aforesaid, which met at Chester, on the Seventh Day of December, 1682; where the following Laws were pass'd, to wit.

Part of an Act, entituled, An Act of Union, &c.

OBSERVATION.

1. *BY an Act made at an Assembly, held at New-Castle, Anno 1683, this is declared to be a fundamental Law.*

2. *It was continued until the Year 1700; and then an Act of Assembly (Ch. 30.) was made at New-Castle, of like import, which repealed this Act.*

3. *The Act which repealed this was afterwards repealed, by which, according to the Rule, Wood's Inst. 9. this Act was revived, and remained in force during the late Proprietor's Life.*

BE IT ENACTED by the Governor and Proprietary of the Province aforesaid, by and with the Advice and Consent of the Deputies of the Freemen thereof, in Assembly met, That all Persons, who are Strangers and Foreigners, that now do inhabit this Province and Counties aforesaid, that hold Land in Fee, in the same, according to the Law of a Freeman, and who shall solemnly promise, within three Months after the Publication hereof, in their respective County Courts where they live, upon Record, Faith and Allegiance to the King of England, and to his lawful Heirs and Successors, and Fidelity and lawful Obedience to William Penn, Proprietary and Governor of these Provinces, &c. and his Heirs and Assigns, according to the King's Letters Patents, shall be held and reputed Freemen of the Province and Counties aforesaid, in as ample and full Manner as any Person residing therein. AND IT IS HEREBY FURTHER ENACTED by the Authority aforesaid, That when at any Time any Person, that is a Foreigner, shall make his Request to the Proprietary of this Province for the aforesaid Freedom, the said Person

Person shall be admitted on the Conditions herein expressed, paying at Admission *Twenty Shillings* Sterling, and no more, any thing in this Law, or any other Law, Act or Thing in this Province to the contrary in anywise notwithstanding.

C H A P. XXXVI.

AND BE IT FURTHER ENACTED, &c. That there shall be two credible Witnesses, in all Cases, in order to Judgment, and all Witnesses coming or called, to testify their Knowledge in or to any Matter or Thing in any Court or before any lawful Authority in the said Province or Territories, shall there give or deliver in their Evidence, by solemnly Promising to speak the Truth, the whole Truth, and nothing but the Truth in the Matter [or Thing in Question: And in case any Person so called to give in their Evidence shall afterward be convicted of wilful Falshood, such Person shall after undergo such Damage or Penalty as the Person or Persons against whom he bare false Witness did or should undergo; and shall also make Satisfaction to the Party wronged, and be publickly exposed for a false Witness, never to be credited again in any Court, or before any Magistrate in the said Province. And whosoever shall lie in Conversation, shall, for every such Offence, pay *Half-a-Crown*, or suffer three Days Imprisonment in the House of Correction, at hard Labour.

seem to affect this Act; but it may be considered as an Act now in Force.

OBSERVATION.

1. *SO much of this Law which regards the Manner of giving Evidence, is, in Substance, the same with the 26th Law agreed on in England.*

2. *By an Act, made at the Assembly held at New-Castle, in the Year 1683, it was declared a fundamental Law.*

3. *By an Act pass'd at New-Castle (Chap. 91.) this Act is declared to be in Force, and thereby continued without Limitation; but the Act for Continuance of this and other Laws was after repealed; yet as a former Law then was, and, for aught I find, yet is in being, the Repeal of the New-Castle Act does not*

C H A P. XLV.

AND BE IT ENACTED, &c. That Wills in Writing, attested by two sufficient Witnesses, shall be of the same Force to Lands and Tene-

OBSERVATION.

BEFORE the Proprietary and the Adventurers concerned with him left

left England divers Laws were there agreed on; the 15th of which was the same with the present.

This Act, as amended in the Fourth of Queen Anne, remains to this Day.

Tenements as other Conveyances, being legally proved, in Forty Days, either within or without the Province.

OBSERVATION.

1. *BY the 14th Law made in England, all the Goods, and a Third of the Land only, where a Man had Issue, was liable to pay Debts, this Act renders Half the*

Lands in such Cases liable. 2. This Act continued to the 10th of the Third Month, 1688: The 11th Chap. postea, altered it; and then, by an Act pass'd at Philadelphia, all Lands were made liable to be taken in Execution, and sold for Payment of Debts, tho' there were Issue; which, under certain Regulations remains in Force to this Day.

C H A P. LI.

AND BE IT ENACTED, &c. That all Lands and Goods shall be liable to pay Debts, except where there shall be legal Issue, and then all the Goods, and one Half of the Land only, in case the Land was bought before the Debts were contracted.

At an Assembly held for the Province and Territories aforesaid, at Chester, the Tenth Day of the First Month, 1683, the following Acts, among others, were pass'd, to wit.

C H A P. CX.

An ACT for settling Intestates Estates; [which as it was explained by the 172d Chapter of the Laws, made at New-Castle the 10th Day of the Month called May, 1684, follows in these Words.]

OBSERVATION.

1. *FROM the Passing of this Act the Course of the Descents of Land was al-*

THAT the Estate of an Intestate shall be thus disposed of, That is to say, One Third of his personal Estate shall go to his Wife, and further, one Third of his Lands

Lands and Tenements to his Wife during her natural Life; the Remainder, with the other two Thirds of his Estate shall go to his Children, his eldest Son having a double Part or Share: And in case the Intestate leaves no Child, then Half the personal Estate to the Widow, and the Moiety of the real Estate, during her natural Life; the Remainder thereof to the next of her Husband's Kin. And if he leaveth no Wife, Child or Children, it shall go to his Brothers or Sisters, if any be, or to the Children of such Brothers and Sisters, and in case no such be, one Half shall go to the Parents, and one Half shall go to the Governor, and for Want of Kin, one Half to the publick Stock of the County: And the Estate of an Intestate Widow shall go to her Children, to be shared as before; and if she leave no Child or Children, the Estate to be disposed of as aforesaid: And the Estate of a single Woman shall go to her Brothers and Sisters, if any be; and for Want of such, as before limited: *Provided*, that his or her Debts be first paid, and that the Time of claiming be within *Three Years* after the Decease of the Intestate Party.

for Want of Kindred, one Half to the Governor, the other Half to the County Stock.

4. *The last mentioned Act continued until 1700; which see postea.*

altered: The eldest Son, by this Act (where there were other Children) taking a double Share only.

2. *By this Act, it seems, where there were no Children, the Brothers and Sisters, or their Children (where such there were) of the Intestate, took a joint Estate; and where there were none, the Parents took Half the Estate.*

3. *This Act continued to the Year 1693, and then it received some Alterations; amongst others, where there were no Children, Brothers or Sisters, or their Issue, were to inherit; and if there were none of these, it was to go to the Parents: And*

CHAP. CXI.

BE IT ENACTED, &c. That whatever Estate any Person hath in this Province or Territories thereof, at the Time of his Decease, unless it appear that equal Provision be made elsewhere, shall be thus disposed of, *That is to say*, One third Part to the Wife of the Party deceased;

c

one

OBSERVAT.

1. *THIS Act seems to restrain the Power of devising more than one Third of the Lands of which a Man died seized.*

2. *This Law, for aught I find to the*

con-

contrary, continued until the First of the the fourth Month, 1693; when a Law pass'd authorizing a Man to devise all his real Estate.

one third Part to the Children equally; and the other Third as he pleaseth; and in case his Wife be deceased before him, two Thirds shall go to the Children equally, and the other Third disposed of as he shall think fit, his Debts being first paid.

At an Assembly held at New-Castle, the 10th of the Third Month, 1684, it was enacted, amongst other Things.

OBSERVATION.

1. *THIS Law continued 'til the Year 1693, when a new Act was made, giving the County Courts an equitable Power in Causes under Ten Pounds; and an Appeal from thence against Verdicts or Judgments to the next Supreme-Court, &c. which last Law was continued by the 91 Chap. of the Laws made at New-Castle, and remained in Force until the 26th of October, 1701, when a new Act pass'd for establishing of Courts, &c.*

CHAP. CLVIII.

THAT there shall be five Provincial-Judges appointed by the Governor, under the Great Seal of this Province; which Judges, or any Three of them, shall be a Provincial Court, and sit twice every Year in the Town of *Philadelphia*; and any two of them at least shall, every Fall and Spring, yearly, go the Circuits into every respective County of this Province and Territories, and there hold a Provincial Court, which Court, whether fixed or circular, shall have the Hearing and Determining of all Appeals from inferiour Courts, also all Trials of Titles of Land, and all Causes, as well criminal as civil both in Law and Equity, not determinable by the respective County Courts; any thing in this Act, or in any other Act or Law of this Province or Territories, to the contrary in anywise notwithstanding.

At a General Assembly held at Philadelphia, the 10th of the Month called May 1688, the following Act was pass'd, among others, viz.

CHAP.

CHAP. CLXXXVIII.

BE IT ENACTED, &c. That any Person who died or shall die Intestate Owner of Land within this Province or Territories, and hath left or shall leave a legal Issue, it shall be lawful for the Court of Orphans, with the Approbation of the Governor and Council, to empower the Widow or Administrator, in case of considerable Debts, Charge of Child or Children, to make Sale of such Parts and Tracts of the said Land as the Council and Court shall judge meet, towards the Defraying of such Debts, the Education of such Child or Children, Support of the Widow, and the better Improvement of the Remainder of the Estate to their Advantage; and that this Law be in Force for one whole Year, and no longer.

OBSERVATION.

THIS Act continued to the Year 1693, which see hereafter, by which Executors and Administrators were authorised to sell without the Application here directed.

At a General Assembly held at Philadelphia, in the Year 1693, the Acts following were pass'd, viz.

I. The Laws about Factors, and their Employers.

TO the Intent that the Estates of Factors or Correspondents shall make good all just Debts due to their Employers, and that the Estates or Effects of Merchants or Employers shall discharge all just Debts due to their Factors or Correspondents, **B**E IT ENACTED by the Authority aforesaid, That all Factors or Correspondents, in this Province or Territories, defrauding their Employers shall make Restitution, and one Third over to the said Employers. And in case any Factor shall die and shall not leave sufficient Estate to pay his Debts, it shall be lawful for the respective Court, or any two Justices of the Peace, to secure the Goods, proper Credits and Effects of his Employer

or

OBSERVAT.

1. *A LAW of like Import with Part of this was agreed on in England, Numb. 36.*

2. *It was confirmed by the first Assembly held in the Year 1682, and continued until the making of this Act.*

3. *This Act being not limited, in respect to Time, nor (that I have found) altered or repealed, by any subsequent Act, seems to be in Force at this Day.*

or Employers, for his or their proper Use or Uses, and give due and speedy Notice thereof accordingly to the said Employers, to the End that they may receive the Sum, paying necessary Charges, in case any Factor, Attorney or Correspondent shall contract any Debts, or really disburse any Sums of Money or other Things for the carrying on his Employer's Affairs according to Order and Direction, either within this Province and Territories, or Parts adjacent : And also, That if such Employers shall order out, dispose of, or sell their Effects and Estates without making Satisfaction to their said Factors or Correspondents for all such Debts or Things due and laid out as aforesaid, unless Provision be thereupon made for the Payment thereof, such Sale shall be of no Effect until the same be discharged ; and that the respective County Courts, in all such Cases, upon Complaint entered and sufficient Proof made of such Debts and Dues, in open Court, may pass Judgment against such Employers for the same, with Costs and Damages, and award Execution for the same.

II. *The Law about Testates and Intestates Estates.* Anno 1693.

OBSERVAT.

THIS Act continued to the Year 1694, when another Act was made, authorising Sales of Lands to be made by the Widow or Administrators, with the Leave of the Governor and Council, or the County Court, where there were Debts to be paid, a Charge of Children, or it was necessary for the Improvement of the Residue of the Estate : Which last Law continued to the Year 1696.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all real Estates, and Lands, Tenements and Hereditaments, and all personal Estates, which any Person hath in this Province and Territories at the Time of his Decease, shall be liable, either by Conveyance or Bill of Sale, duly executed by the lawful Executor or Administrator of such Deceased, and approved and acknowledged in open Court according to Law, or by Judgment or Order of the respective Courts of Record, upon due Procedure therein had, to be seized and sold for Payment of the Decedent's just Debts, &c. which Sale and Seizures are hereby declared to be binding and conclusive against such Deceased, and their Heirs, and all claiming under them, &c.

2. *But then the first Law was revived, which enabled Executors or Administrators to sell for Payment of Debts, and continued in Force from the Year 1696 to the 27th of Nov. 1700.*

3. *At which Time two Acts passed, the first, entitled, An Act for ascertaining the Descent of Lands, &c. whereby Executors and Administrators are authorized to sell their Testators or Intestates Lands in Manner directed by this Act: The other Act which passed the same Session is entitled, An Act to empower Widows and Administrators to sell so much of the Lands of Intestates as may be sufficient to clear their Debts, &c. Which last mentioned Act provides, that Widows or Administrators may sell so much Lands of Intestates (where there is not sufficient personal Estate) as the Orphans Court shall think fit, for Payment of Debts, Education of Children, and Improvement of the Residue.*

4. *These Acts continued 'til the 13th of the 12th Mo. 1705, and then were repealed.*

At a General Assembly held at New-Castle, the Fourteenth of October, and continued by Adjournment to the 27th Day of November, Anno 1700, the following Act, among others, was passed, viz.

An Act for the effectual Establishment and Confirmation of the Freeholders, &c.

WHEREAS at the first laying out and settling of Lands in this Province of Pennsylvania and Territories thereunto belonging, many great Neglects and Errors have been committed, through the Want of Experience and Care both in Officers and the People, as well to the Wrong of the Proprietary as the

Insecurity of the said People, and the great Inconveniency of both: For Remedy whereof, and for the Safety of the said Province and Territories, in general, and that the Inhabitants may be compleatly and absolutely settled, and fully secured in their Rights and Titles to Land, and all

OBSERVAT.

1. *THIS Act continued to the 13th of the Twelfth Month, 1705, and was then repealed by an Order of the Queen in Council.*

Occasions of Difference and Contest thereupon may forever hereafter be prevented and removed, **BE IT ENACTED** by the Proprietary and Governor, by and with the Advice and Consent of the Freemen of this Province and Territories, in General Assembly met, and by the Authority of the same, That all Tracts and Parcels of Land taken up within this Province and Territories, and duly seated by virtue of Letters Patents or Warrants, obtained from Governors or lawful Commissioners, under the Crown of *England*, before the King's Grant to the Proprietary and Governor for the Province (except the same was had by Fraud or Deceit) shall be quietly enjoyed by the actual Possessors, their Heirs and Assigns: And that all Lands and Tracts of Land, duly taken up by virtue of Warrants obtained pursuant to Purchases made and had from the Proprietary and Governor, or in Pursuance of any Commission or Power granted by the Proprietary to any other Person (except as before excepted, and except where the same does interfere with other Persons just Rights and Claims) shall be quietly and peaceably enjoyed by, and confirmed to the Possessor (according to the said Warrants) his Heirs and Assigns forever; and altho' no Patent hath been granted, yet, if peaceable Entry and Possession hath been obtained, by Warrants, or otherwise, as aforesaid, and thereupon quiet Possession hath been held during the Space of *Seven Years*, or more, such Possession, or such Entry as aforesaid shall give an unquestionable Title to all such Lands, according to the Quantity they were taken up for, and shall be deemed and held good, and be confirmed by the Proprietary to the Seaters or Possessors thereof, their Heirs and Assigns, forever. **AND BE IT FURTHER ENACTED** by the Authority aforesaid, That all Grants for Lands from the Proprietary, shall be henceforth under the Great Seal of this Province and Territories; which Grants shall give the respective Grantees an absolute Title for all the Lands therein to be granted or confirmed, be they more or less than laid out for, and shall never more thereafter be subject or liable to any further Survey. And that all Grants and Patents heretofore granted, whether under the broad or lesser Seal, either by the Proprietary himself or his Commissioners as aforesaid, shall be firm and good, to all Intents and Purposes, for the Quantity of Land in such Grants expressed, forever after the Time herein limited, without any further Dispute. **AND WHEREAS** several Mistakes and Errors have happened through the Negligence, Ignorance or Fraud of Surveyors or Chain-Carriers, and
many

many Surveys have thereby been made erroneous: For the Rectifying whereof, **BE IT ENACTED** by the Authority aforesaid, That it shall and may be lawful for the Proprietary and Governor, and his Heirs, by his and their lawful Surveyors, at any time within the Space of two Years after Publication hereof, to re-survey, or cause to be re-surveyed, any Person's Land within this Province or Territories; and if upon such re-survey, allowing four Acres in the Hundred, over or under, for the Difference of Surveys, there be more Land found in the Number of Acres than the said Tract so surveyed was laid out for, allowing also *Six and a half Cent.* for Roads and Highways, all such overplus Lands shall be to the Proprietary, and the Possessor thereof shall have the Refusal of it from the Proprietary, at reasonable Rates: And if the Proprietary and the said Possessor do not agree, then, and in such case, the Proprietary shall choose two more, who shall either fix a Price on the said overplus Land, to be paid by the Possessor, or otherwise appoint where it shall be taken off for the Proprietary in one entire Piece, at an outsize, saving to the Purchaser or Renter his Improvements, and best Conveniences; and three of whom agreeing shall be conclusive; and the Charges of Re-surveying such Lands shall be bore by him to whom the overplus Land shall fall, if he buy the Overplus, or if not, by the Proprietary. **AND BE IT FURTHER ENACTED** by the Authority aforesaid, That if any Purchaser or Tenant, having procured his Land to be again surveyed by any of the lawful Surveyors, shall find the same to be deficient of the Quantity it was before laid out for and should contain (allowing for Difference of Surveys, Roads and Highways being first made, as before expressed) all such Deficiencies shall be made good by the Proprietary and Governor according as he receives for the overplus Land as aforesaid. And that the People in the said Surveys may have the greater Satisfaction, **BE IT FURTHER ENACTED** by the Authority aforesaid, That no Surveyor shall enter upon any Person's Land to make a Re-survey of the same, without giving Notice to the Owner or Possessor thereof, or leaving Notice at his House, if he dwell near the same, and if he do not know him, and the said Owner dwell not in the Precincts or Township,

OBSEVAT.

2. *It is probable divers Re-surveys have been made in Pursuance of the Power given by this Act: And tho' the Act be since repealed, it does not invalidate what was legally done whilst the Act was in force.*

Township, that then such Surveyor shall give Notice thereof to the two next Neighbours, under the Penalty of *Twenty Pounds*, to be forfeited to such Owner. And in case any Surveyor shall hereafter wilfully or negligently survey any Lands to the Prejudice of the Possessor or Owner, he shall make good double Damages to the Party grieved.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That the first Hundred Purchasers of Land in the Province shall be preferred, and have Liberty to take up their Lands before any other Purchasers, so that they make Application for the same within four Months after Publication hereof, AND BE IT FURTHER ENACTED, That

OBSERVATION.

3. *THE* Heir of a Joyntenant, whose Ancestor died during the Continuance of this Act, seems to have a Right to claim and hold the Part of such Ancestor against the surviving Joyntenant, and his Heirs, notwithstanding this Act is since repealed; not only because it would not be reasonable that a Fee-simple which vested whilst the Act was in force should be divested by the Repeal; but also because the Estate of such an Heir seems to be confirmed by an equitable Construction of the Act, entitled, An Act for the better confirming the Owners of Lands, &c. pass'd in the Fourth of Queen Anne.

where any Lands have been purchased or taken up in Copartnership, and either of the Parties die before Division be made thereof, the Survivor shall claim his equal and just Share and Proportion, and the Heirs and Assigns of the deceased Partner shall hold and enjoy the Part belonging to such Deceased as firmly as when all the Parties were living, unless it shall appear that there has been some Contract or Agreement made to the contrary. And whereas it may sometimes happen, that where some have purchased a Parcel of Land (for Instance, a Thousand Acres) and the same has been surveyed and laid out; but upon a Re-survey of such Tract it is found to contain twelve Hundred Acres, of which the Purchaser, having been wholly ignorant, hath sold either Part of it or the Whole to several Persons, or has given it to several Children, under the Notion of only a Thousand Acres, upon Re-survey of which, by the Proprietary's Order, the Overplus may happen to fall within several small Plantations, or to consist intirely of one of them, *Be it therefore Enacted* by the Authority aforesaid, That in such Cases the Proprietary's Overplus shall not be taken of any one

one Particular of the said several Plantations, but of the rough Land remaining undisposed of in the whole Tract, if any such be; and if there be not any such, then to be taken off every particular Plantation proportionably: And the Charges of running the Division-Lines shall be always borne by the respective Owners of the several Plantations. And where the Overplus is taken in one entire Piece off the Whole, it shall and may be lawful for the first Purchaser to cause the several Tracts by him sold to any meane Purchaser or Purchasers to be re-surveyed by any lawful Surveyor; and the Overplus found in such Tracts or meane Purchases above what they were sold or rented for, shall go the Person of whom they were bought, in the like Manner as the overplus Lands in general go the Proprietary and Governor. And whereas our Proprietary and Governor did formerly, in a Clause of our Charter of Privileges, * give and grant to all and every one of the Inhabitants of this Province and Territories full and quiet Enjoyment of their respective Lands to which they had any lawful or equitable Claim, saving only such Rents and Services for the same as were or customarily ought to be reserved to the Proprietary, his Heirs and Assigns; which Clause, upon delivering up our Charter, was reserved, and our said Proprietary and Governor was pleased to reserve to us; We therefore desire that it may be enacted, *And be it Enacted* by the Authority aforesaid, That the said Clause shall be in as full Force, Power and Virtue as if the Surrender of the Charter as aforesaid had never been made. *Provided always*, That nothing in this Act shall be construed to confirm any Lands to the Prejudice of the Right of Infants, married Women, Lunatics or Persons beyond the Seas; any thing herein to the contrary in anywise notwithstanding. And for the Satisfaction and Encouragement of Aliens coming into this Province or Counties annexed, *Be it further Enacted* by the Authority aforesaid, That if any Alien, who is or shall be a Purchaser, or doth or shall inhabit in this Province or Territories thereof, shall decease at any time before he can well be naturalized, his Right and Interest therein shall notwithstanding descend to his Wife and Children, or other his Relations, be he Testate or Intestate, according to the Laws of this Province and Territories thereof in such Cases provided, in as free and ample Manner, to all Intents and Purposes as if the said Aliens had been naturalized.

* *This Charter was called The Frame of the Government, &c. and bears Date in the Year 1683. Art. 23.*

And whereas divers Persons beyond Seas are and have been Owners of Land within this Province and Territories, and such Persons have usually appointed Attornies to sell and dispose of the same ; to the End therefore that the several Persons that have so purchased, their Heirs and Assigns, may forever hereafter be secured in their Titles and Co-

venants, **BE IT ENACTED**

OBSERVAT.
4. *THIS Part of the Act is supplied by an Act, entitled, An Act for confirming of Sales made by Attornies, &c. pass'd in the Fourth Year of the Reign of Queen Anne.*

by the Authority aforesaid, That all Sales of Lands, Tenements and Hereditaments made by lawful Attornies, especially granted to sell such Lands, are and shall be deemed and adjudged good and effectual in Law to all Intents, Constructions and Purposes whatsoever, as if the said Owners of such Lands had by their own Deeds, Bargains and Sales actually and really sold, conveyed and executed the same ; and all and singular the Lands, Tenements and Hereditaments sold and conveyed as aforesaid shall be and remain to such Purchasers respectively, their Heirs and Assigns forever, as they might or ought to have done to the Owner or Owners of such Lands and Premises so Implying his or their Attorney or Attornies as aforesaid. *And be it further Enacted* by the Authority aforesaid, That all Lands, Tenements and Hereditaments that hereafter shall be sold by virtue of any Letter of Attorney, shall be good and valid respectively to the Purchasers, their Heirs and Assigns, forever, as aforesaid ; provided the said Letter of Attorney be attested before some Magistrate or publick Notary, where the same shall be made and executed, and certified under their respective Hands and publick Seals, and be proved within this Province or Territories *viva voce*, by two Witnesses at least.

At a General Assembly held at Philadelphia, in the Year 1705, an Act was pass'd, entitled, An Act for the acknowledging and recording of Deeds ; which Act, among others, contained the Clause following, viz.

AND

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all Deeds and Conveyances, made or to be made, proved, acknowledged and recorded according to the true Intent and Meaning of this Act, shall be of the same Force and Effect here for the Assurance of the said Lands, Tenements and Hereditaments, and for docking and barring of Estates Tail, as Fines and Recoveries at common Law or Deeds of Feoffments with Livery of Seizin, or Deeds inrolled in any of the Queen's Courts of Record at Westminster are or shall be in the Kingdom of England.

3. In the 28th of the 12th Mo. 1710, a new Act pass'd, in which there is a Clause of the same Import with this; which last Act continued in Force until the 20th of the 12th Month, 1713, and was then repealed by Order of the Queen in Council.

OBSERVAT.

1. **T**HIS Act continued in force divers Years. By the Minutes of Assembly of the Second of the 11th Mo. 1710, it appears it was then repealed, and an Order made for bringing in of a new Bill to amend the former.

2. Deeds made in Pursuance of this Act, whilst in force, are sufficient Bars to Estates Tail.

At an Assembly held at Philadelphia, the 15th of Octob. 1711, the following Act, among others, was pass'd.

An Act confirming Patents and Grants.

BE IT ENACTED by Charles Cokin, Esq; by the Queen's Royal Approbation Lieut. Governor under William Penn, Esq; absolute Proprietary and Governor in chief of the Province of Pennsylvania, by and with the Advice and Consent of the Freemen of the said Province in General Assembly met, and by the Authority of the same, That all Lands and Hereditaments which any Person or Persons do hold and enjoy, or ought to have, hold and enjoy within this Province, as well by or under any Gift, Grant or Estate made or granted by the said Proprietary

OBSERVATION.

THIS appears to have been a short lived Act, it being repealed by Order of the Queen in Council the 20th of the 12th Mo. 1713; and yet, as it is not improbable Re-surveys may have been made whilst the Act was in force, it seems necessary to preserve the Act in Print.

tary and Governor *William Penn*, or his Commissioners of Property and Agents, pursuant to the said Persons Right of Purchase, Demise or Grant from him the said Proprietary, as also by or under any old Grant, Patent or Warrant obtained or had from Governors or lawful Commissioners, under the Crown of *England*, before the Date of the late King *Charles* the Second his Letters Patents to the said Proprietary, or by any other legal or equitable Grant, Right, Title, Entry, Possession or Estate whatsoever, shall, by virtue of this Act, be held and enjoyed by such Person or Persons according to the Purport and Intent of the respective Right, Grant, Patent, Purchase or Demise, and for and in the Estate or Estates thereby granted or intended to be thereby granted or settled. *Provided always*, That nothing herein contained shall be construed or adjudged to confirm any Lands taken up by virtue of the said old Grants and not duly seated or improved by the Grantees or their Assigns before the Year *One Thousand Six Hundred and Eighty-two*, nor to create or confirm any Right or Interest to any Person or Persons whatsoever for or to any more or greater Quantity of Lands, Marsh, Meadow or Cripple than shall appear, by Gift, Grant, Demise or Purchase from the said Proprietary, or his Commissioners or Agents, or from his Predecessors, the former Governors or Commissioners aforesaid, to be the said Person or Persons just Due (over and above the six Acres of Land for Roads and Barrens, and the four Acres over or under, to be accounted for Difference of Surveys) nor shall create a Right to the Possessor or Claimer of any Lands that were not taken up or surveyed by virtue of a Warrant or Order from Persons impowered to grant the same, and by a Surveyor appointed for that Purpose; any thing herein, or in any Patent, Grant or Survey to the contrary in anywise notwithstanding. *And be it further Enacted* by the Authority aforesaid, That all the Sales, Gifts, Grants, Surrenders, Assurances, Conveyances and Estates in anywise conveyed, had or made to or for the said Proprietary, by or from any Person or Persons whatsoever, of any Lands, Tenements or other Hereditaments, for or upon any Consideration whatsoever, shall stand, remain and be good and available in Law, according to the true Meaning and Purport of the same; *Saving* the Right, Title and Demand of all and every Person and Persons whatsoever, and of their Heirs and Assigns (other than such Person or Persons, and their Heirs, being Parties or Privies to such Grants, Surrenders, Conveyances or Assurances, or from whom the said Proprietary hath had, obtained or purchased
any

any of the said Lands, Tenements and Hereditaments by Exchange, Surrender, Gift, Grant, Deed, or otherwise. *And be it further Enacted* by the Authority aforesaid, That the said *William Penn*, his Heirs and Assigns, Proprietaries of this Province of *Pennsylvania*, either by him or themselves, or by his present Commissioners or Deputies, or by Commissioners, Deputies or Agents, to be by them appointed, shall and will from time to time, and at all Times hereafter, upon all reasonable Demands, make, do and execute, or cause so to be, all and every such Patents, Grants or Assurances as may be necessary according to the Laws and Constitutions of this Province, to grant, assure and confirm all and singular the Lands, Tenements and Hereditaments in the said Province by him the said Proprietary or his Commissioners or Agents heretofore sold, granted or disposed, or which by him, his Heirs or Assigns, or by his or their Commissioners or Agents shall hereafter be sold, granted or disposed to any Person or Persons, Bodies politick or corporate, to hold the said Lands, Hereditaments and Premises, with their Appurtenances, to the Grantees or Persons interested therein, for such Estate or Estates, Term or Terms of Life, Lives or Years, and for such Uses, and under such Rents or Acknowledgments as the same Lands and Premises were, are or shall be sold, granted or disposed of as aforesaid: *Saving* to all Persons their Rights, Titles, Estates and Interest in Lands granted, derived or claimed by, from or under the said old Patents or Grants made before the Date of the said Letters Patents, sealed and improved as aforesaid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That all and every the Grants, Patents, Deeds or Conveyances of or for any Lands, Tenements and Hereditaments in this Province, heretofore made or given by the said Proprietary, his Heirs or Assigns, or by his or their Deputies, Commissioners or Agents, sealed with or under the Seal or Seals now used or hereafter to be used for that Purpose, and entered upon Record in the Patent or Rolls-Office (which is hereby declared to be an Office of Record) shall be good and available in Law, and shall be adjudged, deemed and taken, and are hereby declared to be Grants or Conveyances and Matters of Record, and to have no need of Delivery before Witnesses, Livery and Seizin, or Acknowledgments as Deeds of other Persons may or ought to have; and none shall be admitted to plead *non est factum*, or *nul tiel* Record, against them, or shall plead in Disability of the Person or Persons,

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in whose Names or stead they have been or shall be made or granted; but inasmuch as they are in the nature of Conveyances, therefore, if any shall have Occasion to deny the Operation thereof, the Party may plead *non concessit*, and prove in Evidence that he or they, in whole Name or stead the same Patents or other Deeds were made or granted as aforesaid, had nothing in the Lands or Tenements so granted, or that the same Lands and Hereditaments did not pass by such Grant, Deed, Patent or Conveyance.

And be it further Enacted by the Authority aforesaid, That no Grant, Patent or Conveyance of any Lands, Tenements or Hereditaments so as aforesaid made, or which shall at any time hereafter be made or granted by the said Proprietary, his Heirs or Assigns, or by his or their said Commissioners or Agent as aforesaid, to or for the Use of any Person or Persons, Bodies politick or corporate, shall be adjudged, or taken to be defective, avoided or prejudiced for or by reason of any Misnaming, Misrecital or Non-recital of any of the said Lands, Tenements, Hereditaments and Premises, or any Part thereof, or any lack of finding of Offices or Inquisitions of and in the Premises, or any part thereof, whereby the said Proprietary's Title therein ought to have been found, or for Misrecital or Non-recital or not mentioning, or not true mentioning of the said Proprietary's Estate or Estates of, in or to the Premises, or for misnaming or not true naming of the Counties or Places where the said Lands and Premises lie or be, or for lack of the true naming of the Lands and Premises, or of the Natures, Kinds or Qualities thereof, or for any want of Form, or for not being formerly entered upon Record, or for want of being hithertofores sealed with the Great Seal, or for not being sealed, and delivered before Witnesses, or for want of Livery and Seizin or Attornment, or for not mentioning the Consideration: But that all the said Gifts, Grants, Patents and Conveyances, with all the Warrants and Returns of Surveys, pursuant thereunto, and other Writings relating to the said Lands, Hereditaments and Premises, shall be, and are hereby declared and enacted to be, good and available in Law against the said Proprietary, his Heirs and Assigns, and against all others claiming or to claim under him or them, and against all and every other Person and Persons, that shall at any time inherit or enjoy this Province; and that the same shall be and remain in full Force, and be maintained and have Effect, according to the true Intent and Purport thereof, and shall be expounded, deemed and adjudged most beneficially for the Pa-

Patentees, Donees and Grantees of the same, and their Heirs and Assigns, Executors and Administrators, according to the Words, Tenor and true Meaning of every of the said Gifts, Grants, Patents, Conveyance, Surveys and other Writings.

And be it further Enacted by the Authority aforesaid, That all and singular the said Lands, Hereditaments and Premises, and every Part thereof, which have been granted or confirmed by the said Patents or Conveyances passed under the Proprietary's Seal, and recorded, as aforesaid, as also all and singular the Lands and Hereditaments hereafter to be granted, conveyed or confirmed by Patents or other Conveyances, which shall pass under the Seal of the said Proprietary, his Heirs or Assigns, and be entered of Record in Manner aforesaid; and every Part thereof shall be and continue unto the said Patentees, Donees and Grantees, and such as shall legally represent them, free and clear, freely and clearly acquitted and discharged, or otherwise well and sufficiently saved harmless and indemnified by the said Proprietary, his Heirs and Assigns, of and from all *Indian* Claims, and from all other Gifts, Grants, Sales, Titles, Charges and Incumbrances whatsoever, heretofore had, made, done or suffered, or hereafter to be had, made, done or suffered by him the said Proprietary or his Heirs. *Saving* to all and every other Person and Persons, Bodies politick and corporate, their Heirs and Successors, Executors, Administrators and Assigns, all such Rights, Titles, Estates, Rents, Reversions, Commons, Profits, Interests, Tenures, Claims and Demands whatsoever, of what Nature, Kind or Quality soever, of, in and to, or out of the said Lands, Tenements and Hereditaments, or any Part thereof, as they or any of them had or ought to have had before the making of this Act, in as large and ample Manner, Form and Condition, to all Intents and Purposes, as if this Act had never been made, any thing herein contained to the contrary notwithstanding.

Provided always, that nothing in this Act contained, shall extend to make Patents of any Office to be of any other Effect, than if this Act had never been made; nor shall this Act make good any Patent that shall be annihilated or made void by due Course of Law; nor shall any thing herein contained, oblige the Proprietary or his Heirs, to make good to any Purchaser of a Right or Rights to unlocated Lands, who advertently or by Misinformation, did or may obtain a Patent or Confirmation of Lands which are discovered to be the prior Right of another Person,
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further or any more than the same Quantity of Land in the next advantageous Place, that such Purchaser shall chuse and discover to be vacant and free from all other Claims. But where any such prior Right shall appear and take Effect against any such Person or Persons who have purchased the said Tract or Parcel of Land of the Proprietary or his Commissioners or Agents, by a certain Name, or by any agreed Location in that particular Place, or the Warrant expressing the same accordingly ; then and in such Case the Proprietary, his Heirs and Executors, shall refund and make good to such second Purchaser the full Sum or Value, which he, the said Proprietary or his Agents, did receive for the same, together with lawful Interest from the Time such Payment was made : And in both the above mentioned Cases, if the latter Purchaser, his Heirs or Assigns, shall have made any Improvements on the said Land, such Improvement shall be valued by two or more Persons to be indifferently chosen by each of the said Claimers or Purchasers, which both Parties are by this Act required to do, and such as they or the Majority shall agree to, under their Hands, shall be paid by the Claimer of the first Right, to such Improver for his Improvements accordingly.

And whereas several Persons before the Date of the late King's Royal Charter obtained Grants or Patents for more Lands than they had a Right unto by their Original Warrants or Orders for the Surveying or laying out the same, in which case it hath been the Method of the said Proprietary and Commissioners, by their Warrants to order Resurveys of those Lands, and allot to the Possessors thereof, or to the Heirs or Assigns of the old Patentees or Grantees so many Acres of Land and Meadow or Marsh, as really belonged unto them by Virtue of the said respective Original Warrants or Orders, or by the Right of Occupancy or Improvements, and confirm the same by new Patents, and dispose the Residue as other vacant Lands which had never been surveyed. *Nevertheless* no effectual Care hath been hitherto taken for vacating or annulling the Record of those old exorbitant Grants, Patents, Surveys or Locations, and for securing the new Patentees against the Demands of the old Patentees and Possessors, or such as claim by, from or under them ; *therefore be it Enacted* by the Authority aforesaid, That nothing herein contained shall extend to revive, make good or confirm any of the said old Grants or Patents, nor give to the Grantees or Patentees of the same, nor their Heirs, Executors or Assigns, any Right, Title, Interest or Estate, of, in, to or for any more or greater

greater Quantity of Lands, Meadows, Marsh or Cripple, than were expressly granted, or really intended to be granted, in and by the said Original first Warrants or Orders for Survey, to which the old Patents respectively relate: But that all and every the said old Grants and Patents, as to the Residue or Overplus of the said Lands and Hereditaments contained therein, shall be, and are hereby declared to be null and void and of no Effect; and that all and every the Grants, Patents, Conveyances and Assurances made or to be made and granted for the said Residue or Overplus-Lands, to any Person or Persons whatsoever, and all the Estate or Estates, Rights, Interest and Possessions of any Person or Persons, of, in or to the said Overplus-Lands, shall, notwithstanding any of the said old Grants or Patents, be and continue, and are hereby declared to be good and available in Law, against the old Patentees, and against all other claiming or to claim the said Overplus-Land or any Part thereof, by, from or under them or any of them, as if the said Lands had never been surveyed or located before the Date of the said King's Letters Patents. *Saving always* to all and every Person or Persons (other than those who will set up or insist on any of the said old Grants or Patents to maintain or make good their Demands or Claims to any more of the said Overplus-Lands, than what they or those under whom they claim, have occupied, built upon or improved) all and every such Right, Titles, Interests, Use, Possession, Estate, Rents, Reversion, Commons, Profits and Advantages whatsoever, as he or they, or any of them, should or might have had before the making of this Act, any thing herein contained to the contrary notwithstanding.

And Whereas by a late Law of this Province, passed in Year 1700, and confirmed in the Year 1701, it was (among other Things) enacted, That any Person's Lands in this Province should be re-surveyed; and if upon such Re-survey (after Allowance of four Acres in the Hundred, over or under, for Difference of Surveys, and *Six per Cent.* for Roads) an Overplus should be found, the Possessors thereof should have the Refusal of it from the Proprietary, at reasonable Rates; and in case of Disagreement about such Rates, the Proprietary was to choose two Men, and the Possessor two more, who should either fix a Price on the said overplus Land, or appoint where it should be taken off for the Proprietary in one entire Piece at an Outside, (saving to the Purchaser or Renter his Improvements and best Conveniencies) any three of whom agreeing should be

conclusive; and the Charges of Resurveying should be bore by the Purchaser or Renter of the main Tract, if he bought the Overplus, or if not, then by the Proprietary; and that Deficiencies should be made good by the Proprietary, according as he received for Overplus-Land as aforesaid.

In Pursuance of which Act, Resurveys have been made of divers Lands, wherein Overmeasure was found; but the Act expiring before the same could be cut off, or the Rates thereof settled as the said Law directed, the Proprietary is not satisfied for the Overmeasure, and the Owners of the Land want Confirmation of what is their just due; *Be it therefore Enacted*, That where any Overplus-Land has been found upon the said Surveys (after Allowances are made for Roads, and Difference of Surveys as aforesaid) the Proprietary, his Heirs and Assigns, and his or their Commissioners or Agents, shall give the Possessor or Owner of such Land, the Refusal thereof at reasonable Rates; and in case of Disagreement with the said Possessor about such Rates, then the Proprietary, his Heirs or Assigns, or his or their Commissioners or Agents, shall forthwith chuse two Men, and the said Possessor or Owner shall at the same time chuse two more, which Persons so chosen, or any three of them, shall within Thirty Days after such Choice, either fix a Price on the said Overplus-Land to be paid by the said Possessor or Owner, or within the same time appoint where it shall be taken off for the Proprietary, his Heirs or Assigns, in One entire and convenient Piece, at an End or Outside; saving to the said Possessor or Owner his Improvements and best Conveniencies.

But in case the said Persons so chosen, as aforesaid, shall refuse or neglect to fix a Price on the said Overplus, or to cut off the same within the time herein before limited, then the Party aggrieved may apply to the Justices at the Court of common Pleas for the County where the Land lies, who are hereby impowered and required to grant their Order in that behalf, to five indifferent and disinterested Persons of the Neighbourhood, requiring them, or any three of them, to perform what the said four Persons had refused or neglected to do.

And be it further Enacted, That where any Overplus shall be taken off as aforesaid, the Proprietary or his Commissioners shall confirm the Residue to the Possessor or Owner thereof, his Heirs or Assigns, saving the Rights of all others; but if the Proprietary, or his Commissioners or Agents, shall refuse or neglect to appoint two Persons on his

his behalf as aforesaid, or if after the said Overplus be taken off, shall refuse to confirm the Residue to the Possessor or Owner thereof, his Heirs or Assigns, within six Months after such Overplus is taken off, as aforesaid, and Application made for the same by such Owner or Possessor, then and in every such Case all such Possessors or Owners respectively shall stand, and be seized or possessed of the whole Tract, as if no such Re-survey had been made.

But if any of the said Possessors or Owners of Lands so re-surveyed as aforesaid, shall refuse or neglect to chuse two Men in his behalf, then the Persons so as aforesaid to be chosen by the Proprietary or his Commissioners, shall within the time aforesaid appoint where the Overplus shall be taken off, saving the Owner's Improvements and best Conveniencies, as aforesaid.

And if the Owners of any such Lands as have been re-surveyed as aforesaid, do not reside in this Province, and no Person in the actual Possession of those Lands, then and in every such Case the Proprietary or his Commissioners may appoint two Men of the next Neighbourhood to such Land, who are hereby impowered to appoint where the Overplus of such Lands shall be taken off as aforesaid, leaving to every such Owner the full Quantity belonging to him by Purchase and Location there, together with the Allowances for Roads and Difference of Surveys, and saving the Improvements and Conveniencies, as aforesaid.

And in all Cases where any such Overplus shall be cut, as aforesaid, in pursuance of ~~this~~ Act, the Proprietary or his Commissioners or Agents shall have full Liberty to dispose of, and grant such Overplus to any Person or Persons, that he or they shall think fit; any thing in this Act contained, or in any other Law, to the contrary thereof in any wise notwithstanding.

And if upon the said Resurveys any Tract hath been found deficient in the Number of Acres for which it was at first granted after Allowances made, as aforesaid, all such Deficiencies shall be made good by the Proprietary, his Heirs or Assigns, after the same Rate he or they shall receive for such Overplus-Land in that Neighbourhood.

Provided always, That nothing herein contained shall be deemed or construed to be taken off any Overplus-Land out of any Tract, the Possessor or Owner whereof has Right, by his Purchase, to take up more Land over and above the Quantity such Tract was laid out for.

Provided also, That where any Lands have been surveyed, and such Allowances for Roads, Barrens and Difference of Surveys, has been made and allowed as aforesaid, the Possessor or Owner thereof shall not pay any Quitrents for such Allowance.

And be it further Enacted, That for all Lands hereafter to be taken up or surveyed in this Province, the Surveyor that lays out the same, shall allow for Roads and Barrens, after the Rate of Six Acres for every Hundred Acres to the Owner of such Lands, for which said Allowances of Six *per Cent.* no Rents shall be paid to the Proprietary, his Heirs or Assigns.



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T.			
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